

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 403 (REV. 2-91)

AGENCY

Department of Social Services

ACTION FILE NUMBER (any)

RDB #1091-52

| | | | | |
|------------------|-----------------------------------|---|------------------|--|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z91-1224-09 | REGULATORY ACTION NUMBER 92-0428-03C | EMERGENCY NUMBER | PREVIOUS REGULATORY ACTION NUMBER 91-1220-09E |
|------------------|-----------------------------------|---|------------------|--|

For use by Office of Administrative Law (OAL) only

1992 APR 28 AM 11:35

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

JUN 10 1992

Office of Administrative Law

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|--------------------------|------------------------------------|-------------------------------|
| 1. TOPIC OF NOTICE AFDC-FC Group Home Rate Setting | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER 92, #1-7 | PUBLICATION DATE 1-3-92 |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|-----------------------------------|
| TITLE(S) MPP | ADOPT |
| SECTIONS AFFECTED | AMEND Division 11, Section 402 |
| | REPEAL |

2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))
- ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

- ☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

March 26, 1992 to April 10, 1992 Section 11-402.411(a)(7)(A) and (B)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal
- ☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

APR 27 1992

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 11-402.411(a)(7)(A) and adopt Handbook Section 11-402.411(a)(7)(B) to read:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.4 Deviations from Annual Rate Setting

.41 New Program

.411 (Continued)

(a) A new and complete program statement shall be submitted with each initial rate application. The program statement shall include the following until such time as a standardized program statement is implemented pursuant to Welfare and Institutions Code Section 11467(a); (Continued)

(7) An existing provider operating a group home program in the facility(ies) in which he/she intends to provide a new program shall:

(A) Obtain ~~and submit~~ verification from the placement agency that an assessment as described in Section 30-336.5 has been completed on each child to ensure that the level of care and services of the new program meets the needs of the child.

HANDBOOK BEGINS HERE

(B) Section 30-336.5 states:

".5 Placements in group homes shall be subject to the following additional requirements:

".51 The following conditions shall exist and shall be documented in the assessment:

".511 Placement is necessary to meet the treatment needs of the child.

".512 The group home has a treatment program that meets such treatment needs."

HANDBOOK ENDS HERE

(b) (Continued)

(c) (Continued)

(d) (Continued)

.412 The effective date of a new program rate shall be the date the Department receives a complete rate application as specified in Section 11-402.411.

.413 (Continued)

.414 (Continued)

.42 New Provider (Continued)

.424 The effective date of the rate for a new provider shall be the later of:

(a) (Continued)

(b) Date the Department receives a complete rate application as specified in Section 11-402.422, or

(c) (Continued)

.5 Program Audits (Continued)

.52 Providers shall maintain program records for a minimum of five years and make them easily accessible to any Departmental staff conducting program audits. Program records to be maintained include, but are not limited to the following:

.521 (Continued)

.522 Case management records, which include but are not limited to:

(a) Treatment plan; psychological evaluations/reports; medical evaluations/releases; education evaluations/information; correspondence; dictation and documentation of services provided; court orders; quarterly reports/program reports; information required by licensing regulations under Title 22; verification from the placement agency required in Section 11-402.411(a)(7); and all RCL significant information pertaining to a client shall be included in the client's record.

.523 (Continued)

Authority Cited: Sections 10553, 10554, 11462(j), 11466.1, and 11466.2, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Sections 10852, 11460, 11462, 11466.1, 11466.2, 11466.3, 11466.4, 11467, and 18350, Welfare and Institutions Code and The Classification of Group Home Programs Under the Standardized Schedule of Rate System Report, August 30, 1989.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

JUN 10 1992

At 3:08 o'clock P. M.

MARCH FONG FU, Secretary of State

By Ann M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0428-03


MARZ GARCIA
Director

06/10/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

AGENCY

See instructions on
reverse)

For use by Secretary of State only

State Department of Social Services

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

AGENCY FILE NUMBER (if any)

RUB# 0492-15

PROMULGATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1992 APR 28 AM 11:37
OFFICE OF ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

JUN 10 1992

Office of Administrative Law

NOTICE

REGULATIONS

FILED
Office of the Secretary of State

JUN 10 1992

At 3:08 o'clock P.M.

MARCH FONG EU, Secretary of State

By Anne M. Manassero
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | | | | |
|---|--|--|--|------------------------|--|-------------------------------|--|
| 1. TOPIC OF NOTICE Nonsubstantive Foster Care Correction | | TITLE(S) | | FIRST SECTION AFFECTED | | 2. REQUESTED PUBLICATION DATE | |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER | | | |
| OAL USE ONLY | | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | | PUBLICATION DATE | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|------------------------------------|
| TITLE(S) | ADOPT |
| MPP | |
| SECTIONS AFFECTED | AMEND |
| | Sections 11-402.942 and 11-402.944 |
| | REPEAL |

2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))
- ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

- ☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☒ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☐ Effective other (Specify) _____

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

- ☐ Other (Specify) _____

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

John D. Healy
TYPED NAME AND TITLE OF SIGNATORY
John D. Healy, Interim Director

4/22/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

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ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

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REGULATIONS

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RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

AMEND SECTIONS 11-402.942 AND .944 TO READ:

ADMINISTRATIVE STANDARDS FOR ELIGIBILITY AND ASSISTANCE PROGRAMS
11-402 (Cont.) AFDC - FOSTER CARE RATES Regulations

11-402 GROUP HOME RATE SETTING (Continued)

11-402

(2) The standard rate.

(c) The effective date for timely applications shall be July 1, 1990.

(d) Good cause and penalties will apply as set forth in Section 11-402.37 and .38.

.923 The Department shall not increase the RCL level for any group home program during fiscal year 1990/91. A provider wishing to increase a program's RCL must submit a complete application according to Section 11-402.3 in the annual 1991/92 application process.

.93 Audits of group home programs for fiscal year 1990/91 for which an RCL is determined by retrospective program classification data shall be based on each of the months reported.

.931 For providers in fiscal year 1990/91, submitting on retrospective basis, the reporting period is:

(a) Either July 1, 1989 through December 31, 1989, or July 1, 1989 through March 31, 1990.

(b) The Department shall review the SR 2 (Rev. 3/90) showing retrospective program classification data to:

(1) Verify if projected points were maintained,

(2) Determine the RCL for each month,

(3) Average the audited points, and

(4) Determine if audited points affect RCL and/or rate.

.94 Overpayments During the Implementation Period

.941 Providers that fail to maintain the RCL upon which the 1990/91 fiscal year rate was established shall be assessed an overpayment as specified in Section 11-402.6.

.942 Providers who are found to have operated at a lower RCL than projected but who received a frozen rate during the implementation period which was ~~lower~~ ^{higher} than the standard for their actual RCL shall be assessed for possible determination of an overpayment. The Department shall:

higher

11-402 GROUP HOME RATE SETTING (Continued)

11-402

- (a) Recompute the RCL based upon the actual conditions in effect at the time in question.
- (b) Establish the new rate for the appropriate months based on the new RCL.
- (c) Compare the actual rate paid during the affected time period to the recomputed rate to determine if an overpayment exists.

.943 The Department shall compute an overpayment for a program which, was an on-going program with a cost-based rate before July 1, 1990; had a projected RCL which resulted in a rate higher than the cost-based rate plus CNI effective July 1, 1990; had a recomputed RCL lower than the projected RCL; and the level of care and services prior to and after July 1, 1990 remained the same, as follows:

- (a) Subtract the cost-based rate plus CNI from the actual rate paid during the affected time period.
- (b) Multiply the average group home occupancy of children who receive AFDC-FC during the audit period by the number of months in the audit period times the result in (a).

.944 During implementation the overpayment amount shall not exceed the difference between the rate actually paid and the rate that would have been paid if the provider had ~~currently~~ ^{correctly} reported his/her RCL. ✓

NOTE: Authority cited: Sections 10553, 10554, 11462(j), 11466.1, and 11466.2, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23. Reference: Sections 10852, 11460, 11462, 11466.1, 11466.2, 11466.3, 11466.4, 11467, and 18350, Welfare and Institutions Code and The Classification of Group Home Programs Under the Standardized Schedule of Rate System Report, August 30, 1989.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

JUN 10 1992

At 3:08 o'clock P. M.

MARCH FONG FU, Secretary of State

By Ann M. Manassero

By Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0428-04

Marz Garcia

MARZ GARCIA
Director

06/10/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

Department of Social Services

AGENCY FILE NUMBER (if any)

RFB # 099-47

| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER | PREVIOUS REGULATORY ACTION NUMBER |
|------------------|--------------------|--------------------------|------------------|-----------------------------------|
| | Z-91-1118-05 | | 92-0610-01ER | 91-1213-04E 92-0428-02C |

For use by Office of Administrative Law (OAL) only

1992 JUN 10 2 0 41
 ENDORSED
 APPROVED FOR FILING
 JUN 10 1992
 Office of Administrative Law

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|--------------------------|------------------------|-------------------------------|
| 1. TOPIC OF NOTICE AFDC Disqualification | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|---|
| TITLE(S) MPP | ADOPT Chapter 20-350, Sections 20-351 through 355; 40-131.3(t); 44-133.31, 82-301(i)(1); Chapter 82-600, Section 82-620 and 82-832.28. |
| SECTIONS AFFECTED | AMEND Sections 40-181.1(e)(1) and 44-352.51. |
| | REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☒ Effective other (Specify): June 10, 1991

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

JUN 9 1992

NOTICE PUBLICATION/REGULATIONS SUBMISSION

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INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

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RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

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EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Chapter 20-350 and Section 20-351 to read:

20-350 Intentional Program Violations (IPV) in the AFDC Program 20-350

20-351 Definitions 20-351

For purposes of this section the terms defined below apply to the AFDC Program.

a. (1) Administrative disqualification hearing - means a hearing established to determine IPV as defined in 42 U.S.C. 616(b), Welfare and Institutions Code Section 11486 and 45 CFR 235.113.

b. (Reserved)

c. (Reserved)

d. (1) Deferred adjudication - means those cases:

(a) In which a determination of guilt is not obtained from a court due to the applicant/recipient having met the terms of a court order; or

(b) Which are not prosecuted due to the applicant/recipient having met the terms of an agreement with the prosecutor.

(2) Disqualification Consent Agreement - is form ABCD 478(A) (1/92).

(3) Disqualification penalties - means that period of time where the individual found to have committed IPV is deemed ineligible for participation, when otherwise eligible.

(4) Disqualified Recipient Report - is form DPS 524 (1/92).

e. through h. (Reserved)

i. (1) Intentional Program Violation (IPV) - "IPV" means an Intentional Program Violation, which is a determination made by a state or federal court, or pursuant to a special administrative hearing, that an individual has intentionally:

(a) Made a false or misleading statement or misrepresented, concealed, or withheld facts; or

(b) Committed any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity; and

(c) Committed these acts to establish or maintain AFDC eligibility, or to increase or prevent a reduction in the amount of the AFDC grant.

j. through m. (Reserved)

n. (1) Notice of Administrative Disqualification - is form ABCD 239.7A (1/92).

o. through z. (Reserved)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 7 CFR 273.16(h); Section 11486, Welfare and Institutions Code; and U.S. Department of Health and Human Services, AFDC Action Transmittal No. FSA-AT-88-12, dated May 31, 1988.

Adopt Sections 20-352 and 20-352.1 through .4 to read:

20-352 County Responsibilities

20-352

.1 Investigation and Referral

The county welfare department's (CWD's) Special Investigative Unit (SIU) shall be responsible for:

.11 Investigating any case of alleged IPV.

.12 Establishing criteria for prioritizing cases to be assigned for investigation and prosecution.

HANDBOOK BEGINS HERE

.121 The SIU may confer with the local prosecuting authority to establish the criteria required in Section 20-352.12 above.

HANDBOOK ENDS HERE

.13 Filing a request for a complaint with the prosecuting authority as provided in Section 20-007.3 in those cases in which it appears that clear and convincing evidence exists to substantiate the allegation of IPV.

.2 Disqualification Consent Agreement

The CWD shall have the option of allowing accused individuals to sign Disqualification Consent Agreements for cases of deferred adjudication.

.21 CWDs using the Disqualification Consent Agreements shall conform to the following requirements:

.211 Advance written notification shall be sent to the accused individual of the assistance unit which informs him/her of the consequences of consenting to disqualification. This written notification shall include, at a minimum, the following:

(a) A statement for the accused individual to sign that he/she understands the consequences of consenting to disqualification.

(b) A statement that consenting to disqualification will result in disqualification and a reduction in benefits for the period of the disqualification, even though the accused individual was not found guilty of civil/criminal misrepresentation or fraud.

(c) A warning of the disqualification penalties which could be imposed (as provided in Section 20-353.1) and a statement of which penalty shall be imposed as a result of the accused individual having consented to disqualification.

(d) A statement that any remaining assistance unit members shall be held responsible for repayment of the resulting overpayment, unless the accused individual has already repaid the overpayment.

.212 The Disqualification Consent Agreement shall contain statements indicating whether the accused individual wishes to admit that facts as presented are correct. Those statements shall be worded as follows:

(a) I admit to the facts as presented and understand that a disqualification penalty shall be imposed if I sign this Disqualification Consent Agreement.

(b) I do not admit that the facts as presented are correct. However, I have chosen to sign this Disqualification Consent Agreement and understand that a disqualification penalty shall result.

.213 After an accused individual has signed a Disqualification Consent Agreement and a disqualification penalty has been imposed, no further administrative appeal procedure exists.

(a) The disqualification penalty cannot be changed by a subsequent Administrative Disqualification Hearing or a state hearing decision.

(b) The accused individual, however, shall be entitled to seek relief in a court having appropriate jurisdiction.

.3 The CWD shall not initiate an administrative disqualification hearing against an accused individual whose case is currently being referred for prosecution or subsequent to any action taken against the accused individual by the prosecutor or court of appropriate jurisdiction, if the factual issues of the case arise out of the same or related circumstances.

.4 Notice of Administrative Disqualification

.41 The CWD shall mail a Notice of Administrative Disqualification to the accused individual if:

.411 The administrative disqualification hearing or the court finds that the accused individual committed IPV, or

.412 The accused individual has signed a Disqualification Consent Agreement or an Administrative Disqualification Hearing Waiver.

- .42 The CWD shall send prior to the disqualification action, a Notice of Administrative Disqualification to the accused individual.
- .421 The notice shall inform the accused individual of the decision, the reason for the decision, and the date the disqualification will take effect.
- .422 If the accused individual is no longer on aid, the notice shall inform the individual that the period of disqualification will be deferred until the individual reapplies and is determined eligible for benefits.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code; U.S. Department of Health and Human Services, AFDC Action Transmittal No. FSA-AT-88-12, dated May 31, 1988; and 7 CFR 273.16(a), (e), (g), and (h).

Adopt Section 20-353 and Sections 20-353.1 through .8 to read:

20-353 Disqualification Penalties

20-353

- .1 Individuals found to have committed an IPV either through an administrative disqualification hearing or by a court of appropriate jurisdiction shall be ineligible to receive AFDC benefits as follows:
 - .11 Six months for the first violation.
 - .12 Twelve months for the second violation.
 - .13 Permanently for the third violation.
- .2 The disqualification penalties shall apply only to individuals disqualified for acts of IPV which occurred on or after July 1, 1991.
- .3 One or more IPV's which occurred prior to the implementation of these penalties shall be considered as only one previous disqualification when determining the penalty to impose.
- .4 The CWD shall disqualify only the individual(s) found to have committed the IPV.
- .5 If the individual is not eligible for the AFDC program at the time the disqualification period is to begin, the period shall be postponed until the person applies for and is determined eligible for benefits.
- .6 The disqualification of an individual for IPV in one political jurisdiction shall be valid in another.
- .7 The same act of IPV repeated over a period of time shall not be separated so that separate penalties can be imposed.
- .8 If the accused individual is found guilty of an IPV by the court, and the court fails to impose a disqualification penalty, the county shall impose a disqualification period in accordance with the penalties specified in this section, unless contrary to the court order.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code; U.S. Department of Health and Human Services, AFDC Action Transmittal No. FSA-AT-88-12, dated May 31, 1988; 42 U.S.C. 616(b); and 7 CFR 273.16(b), (e)(8), (f)(2), (g)(2), and (i)(4)(A).

Adopt Sections 20-354 and 20-354.1 through .3 to read:

20-354 Time Frames for Imposition of Disqualification Penalties

20-354

.1 By Administrative Disqualification Hearing

If the hearing authority rules that the accused individual has committed an IPV, the CWD shall disqualify the individual beginning with the first month following the date he/she receives the Notice of Administrative Disqualification.

.11 Five days from the postmarked date the Notice of Administrative Disqualification is mailed shall be considered sufficient time for it to have been received by the individual, provided it has not been returned as undeliverable by the post office.

.2 By Court Order

If disqualification is ordered by a court of appropriate jurisdiction, but the date for initiating the disqualification period is not specified, the CWD shall initiate the disqualification within 45 days of the date the disqualification was ordered.

.3 By Disqualification Consent Agreement

If the individual signed the Disqualification Consent Agreement, then the period of disqualification shall begin within 45 days of the date that the consent agreement was signed, unless contrary to a court order.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code; and 7 CFR 273.16(e)(8), (g)(2), and (h)(2).

Adopt Sections 20-355 and 20-355.1 through .3 to read:

20-355 Reporting Requirements

20-355

- .1 The CWD shall submit to the State Department of Social Services (SDSS) the Disqualified Recipient Report within 30 days of the date the disqualification took effect, or would have taken effect for a currently ineligible individual whose disqualification is pending future eligibility.
- .2 CWDs shall submit to SDSS a revised Disqualified Recipient Report in the following situations:
 - .21 On those cases where the disqualification was pending future eligibility, and the individual once again becomes eligible and the disqualification penalty is imposed.
 - .22 In cases where the disqualification is reversed by a court of appropriate jurisdiction.
- .3 The CWD shall establish and maintain a disqualification file containing all information received from SDSS concerning individuals who have been disqualified in that county or in another political jurisdiction.
 - .31 The CWD shall use information contained in the disqualification file to:
 - .311 Determine eligibility of applicants prior to granting of aid when the CWD has reason to believe an applicant is subject to disqualification in another jurisdiction.
 - .312 Ascertain the appropriate penalty to impose, based on past disqualification, in a case under consideration.
 - .32 The CWD shall be permitted to use information contained in the disqualification file to:
 - .321 Screen all program applicants prior to granting aid.
 - .322 Match the entire disqualification file against the current caseload.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code; and 7 CFR 273.16(i)(1), (3), (4), (6), and (7).

Adopt Handbook Section at 40-105.14 to read:

40-105 APPLICANT AND RECIPIENT RESPONSIBILITY

40-105

.1 Assuming Responsibility Within His/Her Capabilities (Continued)

.11 through .14 (Continued)

HANDBOOK BEGINS HERE

Failure to comply with these provisions may result in disqualification if the applicant or recipient is found to have committed an IPV.

HANDBOOK ENDS HERE

.15 (Continued)

Adopt Section 40-131.3(t) to read:

40-131 INTERVIEW REQUIREMENT

40-131

.1 and .2 (Continued)

.3 Content of Application Interview

The application interview shall include discussion of the following as pertinent:

a. through s. (Continued)

t. The actions which constitute an IPV and the penalties to be applied to an individual who committed an IPV.

Authority Cited: Sections 10553, 10554, 10604, and 18904, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11324.8(a), AB 312, Chapter 1568, Statutes of 1990, 11500(b), and 11511(a), Welfare and Institutions Code; 7 USC 2020(i), 7 CFR 273.2(j), 42 U.S.C. 616(f), 682(c)(2), (3) and (4), 45 CFR 250.20, 45 CFR 250.40(a) and (b); 45 CFR 255.1; 45 CFR 256.1(b).

Amend Section 40-181.1(e) (1) and adopt Handbook Section at 40-181.32 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY

40-181

.1 General County Responsibility

(a) through (d) (Continued)

(e) (Continued)

- (1) Give applicants and recipients at the time of application and at least once every twelve months thereafter complete explanations in writing regarding factors which may cause ineligibility, underpayments or overpayments, disqualifications due to an IPV, and their responsibility to report ~~such~~ changes within five calendar days (Section 40-105.14, Applicant and Recipient Responsibility). The factors which are to be explained shall include changes in income and resources, changes in need, etc. These requirements are met by the use of the CA 2 in AFDC. Verbal explanations shall also be given when necessary to assure understanding. The recipient shall signify his/her understanding of his/her responsibilities in writing. (Continued)

.2 (Continued)

.3 Methods of Periodic Determination of Eligibility

.31 and .32 (Continued)

HANDBOOK BEGINS HERE

Failure to comply with the requirements of any periodic determination of eligibility may result in disqualification if the recipient is found to have committed an IPV.

HANDBOOK ENDS HERE

.4 (Continued)

Authority Cited: Sections 11265.1, 10554 and 18904, Welfare and Institutions Code.

Reference: 42 U.S.C. 616(f) and 45 CFR 233.28.

Adopt Section 44-133.31(f) to read:

44-133 TREATMENT OF INCOME - AFDC

44-133

.1 and .2 (Continued)

.3 Income In Cases in which a Parent or Child has been Excluded from the Assistance Unit.

.31 Income shall not be allocated to meet the needs of any parent or child who is required to be included in the filing unit and has been sanctioned or who has failed to cooperate in meeting a condition of eligibility. Actions which are subject to sanction or which constitute a failure to cooperate include, but are not limited to, any one of the following:

(a) through (e) (Continued)

(f) Committing an IPV.

.32 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11450, 11452, ~~and~~ 11453, and 11486 Welfare and Institutions Code and 45 CFR 233.20(a)(3)(vi)(B) and (xiv).

Amend Section 44-352.51 to read:

44-352 OVERPAYMENT RECOUPMENT

44-352

.1 through .4 (Continued)

.5 Referral to Special Investigative Unit (SIU).

HANDBOOK BEGINS HERE

- .51 Chapter 20-000 through 20-009 discusses referrals to the Special Investigative Unit and referrals to law enforcement officials. Chapter 20-350 discusses referrals made in cases of alleged IPV.

HANDBOOK ENDS HERE

- .511 All overpayments determined to be caused by an applicant's or recipient's failure to report information shall be referred to the SIU, including overpayments caused by an alleged IPV.

.52 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11450, 11452, and 11453, Welfare and Institutions Code.

Adopt Section 82-301(i)(1) to read:

80-301 DEFINITIONS

80-301

The following definitions apply to the regulations in Division 40 through 50 and 80 through 90.

(a) through (h) (Continued)

HANDBOOK BEGINS HERE

(i) (1) Intentional Program Violation (IPV)

"IPV" means an Intentional Program Violation, (See Section 20-351) which is a determination made by a state or federal court, or pursuant to a special administrative hearing, that an individual has intentionally:

(A) Made a false or misleading statement or misrepresented, concealed, or withheld facts; or

(B) Committed any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity; and

(C) Committed these acts to establish or maintain AFDC eligibility, or to increase or prevent a reduction in the amount of the AFDC grant.

HANDBOOK ENDS HERE

Adopt Chapter 82-600 and Section 82-620 to read:

82-600 CONDITIONS OF ELIGIBILITY/COOPERATION/SANCTIONS

82-600

82-620 INTENTIONAL PROGRAM VIOLATION (IPV)

82-620

HANDBOOK BEGINS HERE

.1 Penalties

Regulations in MPP Section 20-353 provide that individuals found to have committed an IPV shall be ineligible to receive benefits as follows:

.11 Six months for the first violation.

.12 Twelve months for the second violation.

.13 Permanently for the third violation.

HANDBOOK ENDS HERE

.2 Eligibility Pending an
IPV Hearing

The county shall not disqualify an individual until the court or hearing official finds that an IPV has been committed.

.3 Rescinding Disqualification

The county shall reinstate aid only when the findings upon which the sanctions are imposed are reversed by a court of appropriate jurisdiction.

.4 Sanction Time Periods

The disqualification periods themselves shall not be subject to review or revision.

.5 No substitutions

Any sanctions that the county imposes for an IPV shall be in addition to, not in substitution for, any other court imposed penalties for the IPV-related offenses.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code.

Adopt Section 82-832.28 to read:

82-832 EXCLUDED PERSONS (Continued)

82-832

.2 Sanctioned Persons

A person excluded from the AU due to a sanction is:

.21 through .27

(Continued)

.28 IPV

An applicant or recipient who has been disqualified for committing an IPV.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11263.5, 11268, 11270, 11315, 11320.6(e), 11450 ~~and~~ 11477, and 11486 Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

JUN 10 1992

At 3:08 o'clock P M.
MARION FONG FU, Secretary of State
By Ann M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0610-01

Marz Garcia

MARZ GARCIA
Director

06/10/92

NOTICE OF PUBLICATION OF REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)
RDB #0092-03

| | | | | |
|------------------|--------------------|--------------------------|--------------------------------|-----------------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER 92-009-04E | PREVIOUS REGULATORY ACTION NUMBER |
|------------------|--------------------|--------------------------|--------------------------------|-----------------------------------|

For use by Office of Administrative Law (OAL) only

1992 JUN -9 PM 2:35
 ENDORSED
 APPROVED FOR FILING
 JUN 18 1992
 Office of Administrative Law

FILEDThe office of the Secretary of State
of the State of California

JUN 18 1992

At 4:25 O'clock P.M.
ARCH FONG EU, Secretary of State

Ann M. Manassero

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|--------------------------|------------------------|-------------------------------|
| 1. TOPIC OF NOTICE Tier II Performance Standards | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| <input type="checkbox"/> Other <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|--------------------------------------|
| TITLE(S) MPP | ADOPT Division 12, Section 12-207 |
| SECTIONS AFFECTED | AMEND Division 12, Section 12-206 |
| | REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☒ Effective on filing with Secretary of State
 ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

5-21-92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 12-206 Title to read:

12-206 PERFORMANCE STANDARDS INCENTIVES - TIER I (Continued)

12-206

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 15200.8, 15200.85, and 15200.9, Welfare and Institutions Code.

Adopt Section 12-207 to read:

12-207 PERFORMANCE STANDARDS INCENTIVES - TIER II

12-207

- .1 Effective State Fiscal Year (SFY) 1993/1994, each district attorney who qualifies for the compliance rate incentive, under Tier I, shall be eligible for evaluation by the Department to determine if there is entitlement to part or all of the statutory performance rate incentive based on performance in specific program standards.
 - .11 The district attorney's performance evaluation of the program standards specified in Section 12-207.3 shall be based on information reported on the Monthly Statistical Report on Child Support Enforcement Activities, CS 850 (7/91), for the following time periods:
 - .111 For SFY 1993/94 performance incentive: January 1992 through June 1992 and January 1993 through June 1993.
 - .112 For SFY 1994/95 performance incentive: July 1992 through June 1993 and July 1993 through June 1994.
 - .113 For SFY 1995/96 performance incentive: July 1993 through June 1994 and July 1994 through June 1995.
- .2 The district attorney's performance in specific program standards shall be evaluated by the Department in the first quarter of each SFY, beginning with SFY 1993/94.
- .3 The specific program standards that shall be evaluated by the Department are the following:
 - .31 Establishment Of Paternity Standard
 - .311 Evaluation of the Percent of Improvement from Prior Year

Each district attorney's prior year total number of children for whom paternity was established is compared to the total number of children for whom paternity establishment was pending (non-locate) in the prior year to obtain a percentage. This percentage shall be compared to the district attorney's performance from the year before the prior year and
 - .312 Evaluation of the Percent of Performance compared with average Statewide Performance Percentage

Each district attorney's prior year number of children for whom paternity was established is compared to the district attorney's total number of children for whom paternity establishment was pending (non-locate) in the prior year to obtain a percentage. This percentage shall be compared with the combined average statewide performance percentage by all district attorneys from the following prior years:

- (a) For SFY 1993/94, the average statewide performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for January 1992 through June 1992 and January 1993 through June 1993.
- (b) For SFY 1994/95, the average statewide performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for July 1992 through June 1993 and July 1993 through June 1994.
- (c) For SFY 1995/96 the average statewide performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for July 1992 through June 1993, July 1993 through June 1994 and July 1994 through June 1995.

.32 Establishment Of Support Obligation Standard

.321 Evaluation of the Percent of Improvement from Prior Year

Each district attorney's prior year total number of cases in which support orders were established is compared to the total number of cases in which support order establishment is pending (non-locate) in the prior year to obtain a percentage. This percentage shall be compared to the district attorney's performance in the year before the prior year and

.322 Evaluation of Performance Compared to the Average Statewide Performance Percentage

Each district attorney's prior year number of cases in which support orders were established is compared to the total cases in which support order establishment is pending (non-locate) in the prior year to obtain a percentage. This percentage shall be compared to the combined average statewide performance percentage by all district attorneys from the following prior years:

- (a) For SFY 1993/94, the average performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for January 1992 through June 1992 and January 1993 through June 1993.
- (b) For SFY 1994/95, the average performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for SFYs 1992/93 and 1993/94.
- (c) For SFY 1995/96, the average performance percentage shall be an average of the combined statewide performance percentages by all district attorneys for SFYs 1992/93, 1993/94 and 1994/95.

.4 The evaluations in each of the program standards in Sections 12-207.31 and .32 shall be rounded to the nearest whole percentage points and assigned the following point values:

.41 Evaluation of the Percent of Improvement from Prior Year and

| <u>Percent of Improvement</u> | | <u>Points</u> |
|-------------------------------|---|---------------|
| 1% through 15% | = | 1 |
| 16% through 30% | = | 15 |
| 31% through 45% | = | 30 |
| 46% through 60% | = | 45 |
| 61% and above | = | 60 |

.42 Evaluation of the Percent of Performance Compared to the Average Statewide Performance Percentage

| <u>Percent of Performance Compared to the Average Statewide Performance Percentage</u> | | <u>Points</u> |
|--|---|---------------|
| 1% through 9% | = | 1 |
| 10% through 19% | = | 15 |
| 20% through 29% | = | 30 |
| 30% through 39% | = | 45 |
| 40% and over | = | 60 |

.5 In each of the program standards in Sections 12-207.31 and .32, establishment of paternity and establishment of support obligations, only the results of one evaluation in each standard shall be considered the district attorney's performance level in that standard.

.51 The results of the evaluations of the program standards that have the highest points shall be considered the district attorney's performance level in that program standard.

.52 The points assigned to each program standard shall be added together to determine a county score.

Handbook Begins Here

.53 The following is an example of how the results of the district attorney's performance evaluations are scored:

.531 For the Establishment of Paternity standard, the percent of improvement from prior year evaluation results in a district attorney performance level of 13 percent and the evaluation which compares district attorney performance to the average statewide performance percentage result is 19 percent. One (1) point is earned for the district attorney's evaluation of the percent of improvement from the prior year and fifteen (15) points is earned for the district attorney's evaluation of the percent of

performance compared to the average statewide performance percentage. However, because only the evaluation which results in the highest point value is considered the district attorney's performance level for that standard, the district attorney would earn 15 points for the Establishment of Paternity standard.

.532 For the Establishment of Support Order standard, the percent of improvement from prior year evaluation results in a district attorney performance level of 8 percent and the evaluation which compares district attorney performance to the average statewide performance percentage result is 41 percent. One (1) point is earned for the district attorney's evaluation of the percent of improvement from the prior year and sixty (60) points is earned for the district attorney's evaluation of the percent of performance compared to the average statewide performance percentage. However, because only the evaluation which results in the highest point value is considered the district attorney's performance level for that standard, the district attorney would earn 60 points for the Establishment of Support Order standard.

.533 The 15 points earned under the Establishment of Paternity standard is then added to the 60 points earned under the Establishment of Support Order standard resulting in a total county score of 75 points.

Handbook Ends Here

.6 In addition to the county score in Section 12-207.52, the district attorney shall also be eligible to earn 16 bonus points when the county's total child/spousal and medical support collection increase percentage in the prior year is equal to or greater than the average of the statewide collection increase percentage from the previous two years.

.61 The district attorney's collection increase shall be determined from collection information reported by the district attorney on the Child/Spousal/Medical Support Collections Summary Report, CS 820 (8/91).

.62 The district attorney shall not be entitled to any bonus points in any year in which collections do not increase on a statewide basis, as described in Section 12-207.6 above.

.63 If the district attorney is entitled to the 16 bonus points, the points will be added to the county score in Section 12-207.52.

.7 The total county score under Section 12-207.52 and any applicable bonus points under Section 12-207.6 will be totalled and applied against the following schedule to determine the district attorney's performance incentive rate:

| <u>.71</u> <u>Total Score</u> | <u>Performance Incentive Rates</u> | | |
|-------------------------------|------------------------------------|------------------|------------------|
| | <u>SFY 93/94</u> | <u>SFY 94/95</u> | <u>SFY 95/96</u> |
| <u>15 - 30</u> | <u>.25%</u> | <u>.50%</u> | <u>.75%</u> |
| <u>31 - 60</u> | <u>.50%</u> | <u>1.00%</u> | <u>1.50%</u> |
| <u>61 - 90</u> | <u>.75%</u> | <u>1.50%</u> | <u>2.25%</u> |
| <u>91 - 136</u> | <u>1.00%</u> | <u>2.00%</u> | <u>3.00%</u> |

Handbook Begins Here

.711 The following is an example of how the bonus points will be added to the points earned from the evaluations of performance in the specific program standards for determining a total score for incentive entitlement:

- (a) If the district attorney's child/spousal and medical support collection increase percentage in the prior year is 12 percent and the average statewide collection increase percentage from the previous two years is 10 percent, the district attorney would earn 16 bonus points.
- (b) Sixteen (16) bonus points are then added to the county score determined by the performance evaluations in the specific program standards under Section 12-207.52. Using the example in 12-207.533, the county score for performance in the program standards is 75 points. Adding 16 bonus points to this score, because the district attorney's collection increase was above the average statewide percentage increase, provides the district attorney with a grand total of 91 points, thereby qualifying for an additional performance incentive rate of 1 percent for collections distributed during SFY 93/94.

Handbook Ends Here

.8 The performance rate incentive calculated under this section will be paid with, and in addition to, the compliance rate incentives paid under Tier I.

.81 Entitlement to performance rate incentives shall be effective in the same month that the district attorney is entitled to the compliance rate incentive under Tier I, beginning in SFY 1993/94.

.82 Incentive rates determined under both this section and Section 12-206 will be paid on distributed child/spousal and medical support collections, based on collection information provided by the district attorney on the Summary Report of Child and Spousal Support Payments, CS 800 (1/92), and the Child/Spousal/Medical Support Collections Summary Report, CS 820 (8/91).

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 15200.8, .85, and .9 of the Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

FILED

in the office of the Secretary of
of the State of California

CERTIFICATION

OF

APPROVAL

JUN 18 1992

At 4:25 O'clock P. M.
MARCH FONG EU, Secretary of State

Am M. Marassero
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0609-04

Marz Garcia
MARZ GARCIA
Director

06/18/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

AGENCY

See instructions on
(reverse)

For use by Secretary of State only

| | | | | |
|-------------------------------------|--------------------|--------------------------|------------------|-----------------------------------|
| State Department of Social Services | | | | AGENCY FILE NUMBER (if any) |
| | | | | 0991-40 |
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER | PREVIOUS REGULATORY ACTION NUMBER |
| | Z-91-0924-01 | 92-0512-020 | 92-0205-05E | 92-0106-01C |

For use by Office of Administrative Law (OAL) only

1992 MAY 12 PM 3 28

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

JUN 24 1992

Office of Administrative Law

FILED

In the office of the Secretary of State
of the State of California

JUN 24 1992

At 4:08 O'clock P.M.

MARCH FONG EU, Secretary of State

Ann M. Manassero
Deputy Secretary of State

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|--------------------------|-------------------------------------|-------------------------------|
| 1. TOPIC OF NOTICE Child Welfare Services Amendments (Baby Doe) | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER 91, #40-7 | PUBLICATION DATE 10-11-91 |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | | |
|-------------------|--------|------------------|
| TITLE(S) | ADOPT | 30-192.6 and .61 |
| SECTIONS AFFECTED | AMEND | 30-002n. |
| | REPEAL | |

2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))
- ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

- ☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

April 6, 1992 - April 21, 1992

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal
- ☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy
TYPED NAME AND TITLE OF SIGNATORY
John D. Healy, Interim Director

DATE

MAY 11 1992

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Correct Handbook Section 30-002 n. (E)(i) to read:

30-002 DEFINITIONS (Continued)

30-002

- n. "Neglect" means the failure to provide a person with necessary care and protection. In the case of a child, the term refers to the failure of a parent(s)/guardian(s) or caretaker(s) to provide the care and protection necessary for the child's healthy growth and development. Neglect occurs when children are physically or psychologically endangered. The term includes both severe and general neglect as defined by Penal Code Section 11165.2 and medically neglected infants as described in 45 Code of Federal Regulations (CFR) Part 1340.15(b).

HANDBOOK BEGINS HERE

(A) through (C) (Continued)

(D) 45 Code of Federal Regulations (CFR) Part 1340.15(b)(1) defines "medical neglect" as follows:

(i) The withholding of medically indicated treatment from a disabled infant with a life-threatening condition.

(E) 45 CFR Part 1340.15(b)(2) defines "withholding of medically indicated treatment" as follows:

...the failure to respond to the infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the treating physician's (or physicians') reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all such conditions, except that the term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to an infant when, in the treating physician's (or physicians') reasonable medical judgment any of the following circumstances apply:

(i) The infant is chronically and irreversibly comatose;

(ii) The provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(iii) The provision of such treatment would be virtually futile in terms of the survival of the infant and the treatment itself under such circumstances would be inhumane.

(F) 45 CFR Part 1340.15(b)(3) defines "infant" as follows:

- (i) ...an infant less than one year of age. The reference to less than one year of age shall not be construed to imply that treatment should be changed or discontinued when an infant reaches one year of age, or to affect or limit any existing protections available under State laws regarding medical neglect of children over one year of age. In addition to their applicability to infants less than one year of age, the standards set forth in 45 CFR Part 1340.15(b)(2) should be consulted thoroughly in the evaluation of any issue of medical neglect involving an infant older than one year of age who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability.

(G) 45 CFR Part 1340.15(b)(3) defines "reasonable medical judgment" as follows:

- (ii) ...a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 42 USC Section 675; 45 CFR Part 1340.15(b); Section 11165.2, Penal Code; and Sections 300(b), 366.3, 10553, 10800, and 11008.15, Welfare and Institutions Code; and Section 265, Civil Code.

Amend Sections 30-192.6 and .61 to read:

30-192 GENERAL ADMINISTRATIVE REQUIREMENTS AND PROGRAM SUPPORT
ACTIVITIES (Continued)

30-192

- .6 The county welfare department shall contact each ~~appropriate~~ health care facility in the county that provides acute care to infants to obtain the name, title and telephone number of the person ~~who is mandated to report child abuse and neglect under Penal Code Section 11164.1 et seq.~~ and who is designated by the health care facility to act as a liaison to the county for medically neglected infants as defined in Section 30-002 n.
- .61 The county welfare department shall, no less than once a year, recontact each ~~appropriate~~ health care facility in the county that provides acute care to infants to obtain any changes in the name, title and telephone number of the designated person.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11166, Penal Code and 45 CFR Part 1340.15(c)(2)(ii) and (3).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

JUN 24 1992

At 4:08 O'clock P.M.
MARCH FONG EU, Secretary of State

By Ann M. Marassero
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0512-02

Mar Garcia

MARZ GARCIA
Director

06/24/92

NOTICE PUBLICATION REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

STATE DEPARTMENT OF SOCIAL SERVICES

AGENCY FILE NUMBER (If any)

RDE#0492-13

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

92-0619-02E

For use by Office of Administrative Law (OAL) only

1992 JUN 19 AM 10:16

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED

APPROVED FOR FILING

JUN 29 1992

Office of Administrative Law

NOTICE

REGULATIONS

FILED
In the office of the Secretary of State
of the State of California

JUN 29 1992

At 3:44 o'clock P.M.

MARCH FONG EU, Secretary of State

By Ann M. Massaro
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | | |
|---|--|--------------------------|------------------------|-------------------------------|--|
| 1. TOPIC OF NOTICE AFDC Resource Exclusion | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE | |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER | |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|--|
| TITLE(S) | ADOPT MPP 63-012 |
| SECTIONS AFFECTED | AMEND 63-301.93, AND 63-501.2 REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
☐ Resubmittal
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
☒ Emergency (Gov. Code, § 11346.1(b))
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.
☐ Print Only
☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
☐ Effective on filing with Secretary of State
☒ Effective other (Specify) 7-1-92

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
☐ Fair Political Practices Commission
☐ State Fire Marshal
☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Asst. Chief, Regulations Development Bureau

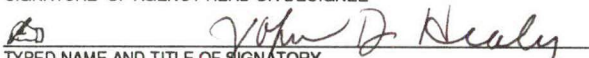
TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE


 TYPED NAME AND TITLE OF SIGNATORY
 JOHN D. HEALY, INTERIM DIRECTOR

DATE

JUN 15 1992

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 63-012 to read:

63-012 IMPLEMENTATION OF P.L. 102-237, SECTION 905, EXEMPTION
OF AFDC RECIPIENT RESOURCES

63-012

- .1 Sections 63-301.9 and 63-501.3, as amended herein, shall become effective July 1, 1992.
- .11 Beginning July 1, 1992, the CWDs shall implement the amended or adopted provisions for all new food stamp applications.
- .12 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and appropriate restoration of benefits made upon request by the household, at recertification, when the case is next reviewed, or when the CWD becomes aware that a review is needed, whichever occurs first. Restored benefits are to be provided back to the date of application or February 1, 1992, whichever occurred later.
- .13 For a household that applied for benefits from February 1, 1992 through June 30, 1992 and was denied due to excess resources as a result of counting the resources of an AFDC recipient, the household is entitled to restored benefits back to February 1, 1992 or date of application, whichever occurred later, if the household: (1) is otherwise entitled to benefits and (2) requests a review of its case or the CWD becomes aware a review is needed.

Authority Cited: Sections 10554 and 18901, Welfare and Institutions Code.

Reference: Section 18904, Welfare and Institutions Code, and Public Law 102-237 as specified in Federal Administrative Notice 92-12, dated January 9, 1992.

Amend Section 63-301.9 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)

63-301

.9 Mixed Food Stamp Households

Mixed food stamp households are food stamp applicant households in which some, but not all, members are in the PA filing unit. (Continued)

- .93 CWDs shall exclude resources for food stamp purposes, of any AFDC PA recipients ~~if that resource was excluded in determining the AFDC eligibility~~. If a resource is jointly held by a Food Stamp household member who is receiving PA and a Food Stamp household member who is not receiving PA, then exclude the amount that was counted in determining the AFDC eligibility. (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Public Law 102-237, Section 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992.

Amend Sections 63-501.2 and .3 to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.2 Joint Ownership

.21 Resources owned jointly by separate households (including non-food stamp households) shall be considered available in their entirety to each household, unless it can be demonstrated by the applicant household that such resources are inaccessible to that household. If the household can demonstrate that it has access to only a portion of the resource, the value of that portion of the resource shall be counted toward the household's resource level. The resource shall be considered totally inaccessible to the household if the resource cannot practically be subdivided and the household's access to the value of the resource is dependent on the agreement of a joint owner who refuses to comply. A resource cannot be practically subdivided if the financial value of the proportionate share would be significantly reduced by sale of only the subdivision. Resources owned jointly by household members and persons in the household who are disqualified or ineligible aliens (who would otherwise be household members) shall be considered available to the household, as required by Section 63-503.44.

.22 If a resource is jointly held by members of the same food stamp household and one of the members is receiving PA and the other is not receiving PA, then exclude the amount that was counted in determining the PA eligibility.

.3 Exclusions From Resources

(a) through (n) (Continued)

(o) ~~Any resources of any household member receiving AFDC PA if the resource was excluded in determining their AFDC eligibility.~~ If a resource is jointly held by a Food Stamp household member who is receiving PA and a Food Stamp household member who is not receiving PA, then exclude the amount that was counted in determining the PA eligibility.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Public Law 102-237, Section 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992.

OFFICE OF ADMINISTRATIVE LAW

FILED
In the office of the Secretary of State
of the State of California

CERTIFICATION

OF

APPROVAL

JUN 29 1992

At 3:44 o'clock P. M.

MARCH FONG EU, Secretary of State

By Ann M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0619-02

Marz Garcia

MARZ GARCIA
Director

06/29/92

NOTICE PUBLICATION REGULATIONS SUBMISSION

REGULAR

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

RDB#1291-57

OAL FILE
NUMBERS

NOTICE FILE NUMBER

Z92-0218-01

REGULATORY ACTION NUMBER

92-0522-048

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1992 MAY 22 PM 4:18

OFFICE OF
ADMINISTRATIVE LAW

FILED

in the office of the Secretary of
of the State of California.

JUN 30 1992

At 4:21 O'clock P.M.

ARCH FONG EU, Secretary of State

Am. M. Manassero

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|--------------------------|------------------------|-------------------------------|
| 1. TOPIC OF NOTICE Gonzales Court Case Regulations | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| <input type="checkbox"/> Other <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|----------------------|----------------------------|
| TITLE(S) | ADOPT |
| MPP | Section 40-014 |
| SECTIONS AFFECTED | AMEND |
| | Section 43-201.3 |
| | REPEAL |
| | Section 43-203.11 handbook |

2. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☐ Effective on filing with Secretary of State
 ☒ Effective other (Specify) June 30, 1992

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

James Rhoads, Assistant Chief Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

5-15-92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 40-014 to read:

40-014 IMPLEMENTATION OF REGULATIONS TO COMPLY WITH PROVISIONS OF 40-014
GONZALES COURT ORDER

- .1 This regulatory action consists of adopting or repealing the following sections in order to comply with the provisions of the Gonzales v. McMahon court order and to implement federal regulations at 45 CFR 302.51(a)(4) which require that the Title IV-D agency establish the date on which child support payments are withheld in wage assignment and other income withholding cases to represent the date of collection for distribution purposes. Adopt Section: 43-201.321. Repeal Section: 43-203.11 handbook. Relocate and readopt handbook Section: 43-203.11 at 43-201.321.
- .2 The effective date of these regulations shall be June 30, 1992.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code;

Gonzales v. McMahon (Super. Ct. San Diego
County, 1991, No. 62 8600).

Per
Agency
Dir
6-30-92

Amend Section 43-201.3 to read:

43-201 CHILD AND SPOUSAL SUPPORT AND PATERNITY (Continued)

43-201

.3 (Continued)

.31 (Continued)

.32 (Continued)

.321 In wage assignment or other income withholding cases, the Title IV-D agency shall establish the date on which the support payment was withheld by the employer to represent the date of collection for determining which month the support collection applies for distribution purposes.

HANDBOOK BEGINS HERE

Example: The employer withholds \$300 from the absent parent's wages in the month of June for the month of June. The employer transmits the child support obligation to the designated agency in September. The family is entitled to a \$50 disregard for the month of June.

HANDBOOK ENDS HERE

.321 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR 302.51(a)(4).

Amend Section 43-203.11 to read:

43-203 DISTRIBUTION OF CHILD AND SPOUSAL SUPPORT PAYMENTS (Continued) 43-203

.1 (Continued)

.11 (Continued)

HANDBOOK BEGINS HERE

Example: The employer withholds \$300 from the absent parent's wages in the month of June for the month of June. The employer transmits the child support obligation to the designated agency in September. The \$300 disregard is distributed to the family for the month of June.

HANDBOOK ENDS HERE

.111 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

in the office of the Secretary of State
of the State of California

JUN 30 1992

At 4:21 O'clock P.M.
MARCH FONG EU, Secretary of State

Ann M. Manassero
Public Information Officer

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0522-04


MARZ GARCIA
Director

06/30/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

RDB# 0192-03

| | | | | |
|------------------|--------------------|--------------------------|------------------|-----------------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER | PREVIOUS REGULATORY ACTION NUMBER |
| | Z-92-0218-01 | 92-06110-04E | | 92-0218-04E |

For use by Office of Administrative Law (OAL) only

1992 JUN 16 PM 1:30

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

JUL 09 1992

Office of REGULATIONS

NOTICE

FILED

Office of the Secretary of
the State of California

JUL 9 1992

At 4:21 O'clock P.M.
JUL 9 1992, Secretary of
State
By Anne M. Marassero

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|--|--|--------------------------|----------------------------------|-------------------------------|
| 1. TOPIC OF NOTICE Homeless Standard Shelter Allowance and Disaster Assistance | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER 92-#92 | PUBLICATION DATE 2-28-92 |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|---|
| TITLE(S) MPP | ADOPT Division 63, Section 63-008 |
| SECTIONS AFFECTED | AMEND Division 63, Section 63-502, 900 and 1101 (Handbook) |
| | REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

JUN 15 1992

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

63-008 IMPLEMENTATION OF THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER
RELIEF ACT, P.L. 101-624, November 28, 1990, HOMELESS STANDARD
SHELTER ALLOWANCE AND DISASTER ASSISTANCE PROVISIONS

63-008

- .1 Sections 63-502.3 and 63-900.5 as amended herein, shall become effective March 1, 1992.
- .11 Beginning March 1, 1992, the CWDs shall implement the amended or adopted provisions for all new food stamp applications.
- .12 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and appropriate restoration of benefits made upon request by the household, at recertification, when the case is next reviewed, or when the CWD becomes aware that a review is needed, whichever occurs first. Restored benefits are to be provided back to the date of application or February 1, 1992, whichever occurred later.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 272.1.

.3 Income Deductions

The CWDs shall determine food stamp benefit level pursuant to the deductions contained in this section. The standard deduction, excess medical costs, homeless standard shelter allowance, and the excess shelter deduction are: promulgated and updated by the USDA; published, as specified in 7 CFR 273.9(d)(1), (3), and (5); and to be implemented upon their effective date. The amounts for the earned income deduction and the dependent care deduction for nonelderly households are determined by federal law and published by the USDA in 7 CFR 273.9(d)(2) and (4), respectively. The current amounts are reproduced in Handbook Section 63-1101. Deductions shall be allowed only for the following household expenses:

.31 through .34 (Continued)

.35 Shelter Costs. (Continued)

.351 Shelter costs shall include only the following:

- (a) The homeless standard shelter allowance is available to homeless households who are not receiving free shelter for the entire calendar month. If the homeless standard shelter allowance is used, separate utility costs may not be claimed since this allowance includes a utility cost component.
 - (1) All homeless households which incur, or reasonably expect to incur, shelter costs during a month shall be eligible to use the homeless standard shelter allowance without providing verification of the shelter costs. Higher shelter costs may be used if verification is provided.
 - (2) Homeless households which do not incur shelter costs during the month shall not be eligible for the homeless standard shelter allowance.
- (b) (Continued)
- (c) (Continued)
- (d) (Continued)
- (e) (Continued)
- (f) (Continued)

.352 Standard Utility Allowance

(a) The standard utility allowance (SUA) may be used in calculating shelter costs of those households which incur heating or cooling costs separate and apart from their rent or mortgage payments, including residents of rental housing who are billed on a monthly basis by their landlords for actual usage as determined through individual metering.

(1) Households who are using the homeless standard shelter allowance shall not be entitled to the SUA because a utility component is included in the homeless standard shelter allowance.

(2) (Continued)

(3) (Continued)

(4) (Continued)

(5) (Continued)

(6) (Continued)

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code, Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 100-77 and 7 CFR 273.7(f), 7 CFR 273.9(c)(iv)(B), 7 CFR 273.9(c)(i)(F), 7 CFR 273.9(d)(1) through (5), 273.9(d)(6)(vii), and (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) ____ F. Supp. ____ [Dock. No. CV-89-0768].); P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

.5 Household Certifications

.55 Basis of Emergency Coupon Issuance

(a) through (c) (Continued)

- (d) Households currently certified for the ongoing program may also be eligible for emergency coupon issuance. Eligibility shall be determined in the same manner as for any other disaster victims as specified in Section 63-900.54. To the extent practicable, the CWD shall reduce disaster benefits issued to households currently certified under the ongoing program by the amount of benefits issued to the household under the ongoing program for any part of the disaster benefit period.

If the household's food has been damaged and must be replaced as a result of the disaster, the emergency coupon allotment shall not be reduced by the amount of benefits issued under the ongoing program. The emergency allotment shall be equal to the value of the food actually lost in the disaster, but not greater than the applicable maximum monthly allotment for the household size.

(e) through (k) (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 271.2, 7 CFR 274.6, and 7 CFR 280.1.

HANDBOOK BEGINS HERE

63-1101 TABLES OF COUPON ISSUANCE (Continued)

63-1101

.1 (Continued)

.2 Income Deductions

.21 through .26 (Continued)

.27 Homeless Standard Shelter Allowance. Effective February 1, 1992, the homeless standard shelter allowance shall be \$128, and it shall be adjusted annually on October 1.

HANDBOOK ENDS HERE

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

the office of the Secretary of
of the State of California

JUL 9 1992

At 4:10 O'clock P.M.
MARZ FONG EU, Secretary of

Ann M. Marasero

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0616-04

Marz Garcia

MARZ GARCIA
Director

07/09/92

| | | | | | |
|--|--|--------------------|--------------------------|---|--|
| AGENCY State Department of Social Services | | | | AGENCY FILE NUMBER (if any) RDB# 0692-21 | |
| OAL FILE NUMBERS | | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER 92-0715-01E | PREVIOUS REGULATORY ACTION NUMBER 92-0701-01E |
| For use by Office of Administrative Law (OAL) only | | | | | |
| 1992 JUL 15 PM 3 07 OFFICE OF ADMINISTRATIVE LAW ENDORSED APPROVED FOR FILING JUL 16 1992 Office of Administrative Law | | | | | |
| NOTICE | | | | | |

FILED
In the office of the Secretary of State
of the State of California
JUL 16 1992
At 409 O'clock P.M.
MARCH FONG EU, Secretary of State
[Signature]

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | | | | |
|---|--|--|--|------------------------|--|-------------------------------|--|
| 1. TOPIC OF NOTICE Crary v. McMahon Retroactive Reg's. | | TITLE(S) | | FIRST SECTION AFFECTED | | 2. REQUESTED PUBLICATION DATE | |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action | | 4. AGENCY CONTACT PERSON | | | | TELEPHONE NUMBER | |
| OAL USE ONLY | | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | | PUBLICATION DATE | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | |
|---|-----------------|
| 1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related) | |
| TITLE(S) MPP | ADOPT 50-021 |
| SECTIONS AFFECTED | AMEND |
| | REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☒ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)
N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)
☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal
☐ Other (Specify)

| | |
|--|------------------------------|
| 6. CONTACT PERSON Jim Rhoads, Assistant Bureau Chief Regulations Development Bureau | TELEPHONE NUMBER 657-2586 |
|--|------------------------------|

7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

| | |
|--|-----------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>[Signature]</i> | DATE 7/15/92 |
| TYPED NAME AND TITLE OF SIGNATORY John D. Healy, Interim Director | |

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

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EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 50-021 to read:

50-021 CRARY V. McMAHON RETROACTIVE COURT ORDER

50-021

HANDBOOK BEGINS HERE

.1 Background

The Crary v. McMahon lawsuit challenged the State Department of Social Services' (SDSS) policy of not paying Aid to Families with Dependent Children (AFDC) recipients participating in the Greater Avenues for Independence (GAIN) Program for transportation costs the participants incurred to travel to and from their GAIN activities in accordance with the Manual of Policy and Procedures (MPP) Section 42-750.4. On August 3, 1990, the Sacramento County Superior Court issued a Court Order Granting Peremptory Writ of Mandate. Under the terms of the Court Order, SDSS and county welfare departments must restore to affected persons all supportive services moneys unlawfully withheld because of transportation expense limitations.

HANDBOOK ENDS HERE

.2 Definitions

For the purpose of these regulations:

- (a) "ABCDM 228" means the Applicant's Authorization for Release of Information Form ABCDM 228 (10/78) which is used to obtain documentation when the claimant does not have the necessary information or is unable to provide such information.
- (b) "Claim period" means the time in which a person may file a claim for corrective underpayment. The claim period shall be at least 90 days starting July 1, 1992 and ending midnight September 30, 1992.
- (c) "Class members" means those individuals who drove a vehicle to and from their GAIN activities and asked to be reimbursed for the costs but:

- (1) Were paid a flat rate for travel expenses to get to and from their GAIN activities no matter how many miles they drove;

or

- (2) Were paid the rate of public transportation even though the public transportation took two hours or more to get to and from their GAIN activity. The two hours included transfers but did not include the time to take children to school or child care;

or

- (3) Were paid a mileage rate less than what county employees were reimbursed for the use of privately owned vehicles used for county business.

- (d) "Five standard languages" means Spanish, Vietnamese, Laotian, Chinese and Cambodian.
- (e) "GEN 1172" means the Statistical Report Form GEN 1172 (3/91) Court Case: Crary v. McMahon which is to be used to gather data regarding the claims filed and paid under this Court Order.
- (f) "NOA" means a notice of action (NOA) that is considered to be adequate within the meaning of Section 22-021. A claimant is considered to be informed of the outcome of a claim when the claimant is provided with a NOA.
- (g) "Responsible county" means the GAIN Office that took an action on which the claimant's claim is based.
- (h) "Retroactive benefits" means the corrective underpayment of funds inappropriately withheld.
- (i) "Retroactive period" means the period from December 1, 1986 through March 31, 1991.
- (j) "Temp GAIN 64" means the Crary v. McMahon Notice [Informing Card] Temp GAIN 64 (7/92) which is the document mailed with the Medi-Cal cards to current medically-needy-only (MNO) recipients to inform potentially affected persons of possible corrective underpayments for transportation costs.
- (k) "Temp GAIN 65" means the Crary v. McMahon [Informing Poster] Temp GAIN 65 (7/92) which is the document used to notify former and current GAIN participants of possible corrective underpayments for transportation costs.
- (l) "Temp GAIN 66" means the Crary v. McMahon Claim Form Temp GAIN 66 (7/92) which is the document used to file a claim for this Court Order.

.3 Informing of Possible Retroactive Benefits

.31 SDSS Responsibilities

SDSS shall:

.311 Include Temp GAIN 64 with the Medi-Cal cards issued for the month of July 1992 to MNO cases. Temp GAIN 64 shall be printed in English on one side with bullets in the five standard languages on the other.

- (a) The English version shall inform potentially eligible persons of possible retroactive benefits for travel expenses incurred by GAIN participants who drove a car to and from their GAIN activities and requested payment of such costs.

(b) The bullets shall state (as translated): "GAIN may owe you money if you drove a car to and from your GAIN activity. Call your GAIN worker or 1-800-XXXX to get more facts."

.312 Print Temp GAIN 65 and 66 in English and Spanish with bullets in Vietnamese, Laotian, Chinese and Cambodian.

.313 Provide counties with a:

(a) Reproducible copy of the Temp GAIN 66.

(b) Supply of Temp GAIN 65.

.314 Provide counties with reproducible copies of NOAs in English and the five standard languages.

.315 Mail copies of Temp GAIN 65 to legal aid and welfare rights organizations of plaintiffs' choice.

.316 Provide public service announcements and news releases to the media two weeks before the beginning of the claim period and two weeks before the end of the claim period.

.32 Responsible Counties

Del Norte, El Dorado, Fresno, Glenn, Imperial, Kern, Lake, Lassen, Madera, Mendocino, Modoc, Mono, Monterey, Napa, Nevada, Orange, Placer, Plumas, Riverside, San Benito, San Bernardino, San Diego, San Francisco, Santa Clara, Santa Cruz, Shasta, Siskiyou, Sonoma, Stanislaus, Tehama, Trinity, Ventura, Yolo and Yuba.

Kings and Tuolumne Counties are exempt from implementation since they have already met the requirements of the Court Order.

.33 County Responsibilities

.331 Counties shall, either:

(a) Within the first 60 days of claim period, identify all former and current GAIN participants within the retroactive period whose transportation expenses were incorrectly limited, calculate the corrective underpayment and issue a NOA (M50-021A Rev. 7/92) [see Section 50-021.531]; or

(b) Identify all former and current GAIN participants within the retroactive period who received transportation supportive services and mail a Temp GAIN 66; or

(c) Mail Temp GAIN 66 to all current AFDC recipients.

.332 Place Temp GAIN 65 in conspicuous locations in all welfare offices, GAIN offices and Food Stamp outlets.

.333 Provide Temp GAIN 65 to:

- (a) Child care resource and referral agencies requesting that the posters be displayed in conspicuous locations.
- (b) Basic educational facilities and training providers under contract with the responsible counties requesting that the posters be displayed in conspicuous locations. This does not include worksite employers.
- (c) Community colleges, state colleges and universities in which GAIN participants attended, requesting that they display the informing posters in conspicuous locations on each campus.

HANDBOOK BEGINS HERE

- (1) It is recognized and agreed that SDSS and/or counties cannot require educational institutions to display the Temp GAIN 65.

HANDBOOK ENDS HERE

.334 Reproduce an adequate supply of the Temp GAIN 66 in English and Spanish.

.335 Give or mail a Temp GAIN 66 to anyone upon request. The Temp GAIN 66 shall be mailed within seven (7) work days after receipt of verbal or written request.

.4 Application For Retroactive Benefits

.41 Claimant Responsibilities

Claimant shall:

.411 Provide a completed, signed Temp GAIN 66 as specified in Section 50-021.521. The Temp GAIN 66 shall be signed under penalty of perjury.

.412 Provide additional information, documentation or clarification upon request from county to verify Temp GAIN 66 information as specified in Section 50-021.55.

.413 Submit Temp GAIN 66 to the responsible county.

- (a) The Temp GAIN 66 shall be submitted on or before the end of claim period. If mailed, postmark must be no later than September 30, 1992.
- (b) Claimant shall be permitted to resubmit a previously denied claim during the claim period.

.42 County Responsibilities

Counties shall:

- .421 If able, identify all former and current GAIN participants who are class members, calculate any corrective underpayment and issue a NOA within 60 days as specified in Section 50-021.531.
- (a) The mileage rate to be used for such a calculation shall be the rate paid to county employees using a private vehicle to accomplish county business during the retroactive period.
- .422 If a claimant submits a Temp GAIN 66, stamp with the date received.
- (a) Retain envelopes that are postmarked after September 30, 1992.
- (b) If the date cannot be determined by either postmark or date stamp, the date the claimant signed the Temp GAIN 66 shall be used to determine when the claim was received.
- .423 If the Temp GAIN 66 is postmarked after claim period, issue a NOA (M50-021B Rev. 7/92) within 60 days denying claim.
- .424 Attempt to locate claimant's case record named on the Temp GAIN 66.
- .425 Maintain all documents until the end of claim period and retain all records which contain documentation relative to this Court Order for three years after the final legal claim has been submitted for federal reimbursement.
- (a) Records included are those used to determine eligibility for the class (including denials) and those used to determine the amount of retroactive benefits.
- (b) Records which are pertinent to the Court Order shall include, but are not limited to, case records, payment records, assistance claims and reimbursement claims.
- .426 Review Temp GAIN 66 to determine the responsible county.
- (a) Process the Temp GAIN 66 within 60 days when the receiving county is the responsible county.
- (b) If a county who receives a Temp GAIN 66 determines that it is not the responsible county, the receiving county shall issue a NOA (M50-021B Rev. 7/92) denying the claim and forward the Temp GAIN 66 to the responsible county within 15 working days from the date the Temp GAIN 66 was received.

- (1) The receiving county shall inform the claimant in the NOA that the Temp GAIN 66 has been forwarded to the responsible county for processing.
- (2) The date the Temp GAIN 66 is submitted to the receiving county shall be the date of the claim.
- (c) If the responsible county cannot be determined, the receiving county shall issue a NOA (M50-021B Rev. 7/92) denying the claim and telling the claimant to resubmit the Temp GAIN 66 to the responsible county within the claim period. The NOA shall also inform claimant of his/her right to a hearing.

.5 Claim Processing

Upon receipt of Temp GAIN 66, the responsible county shall determine whether the claimant is a class member and take appropriate action within 60 days of when the completed claim is received. The county shall:

.51 Complete processing the Temp GAIN 66, to the extent possible, without requiring claimant to come in person to the county.

.52 Review each Temp GAIN 66 received for completeness.

.521 Temp GAIN 66 shall be considered complete when the following questions are completed:

(a) Qualifying class member questions:

(1) Were you in the GAIN Program?

(2) Did you drive a car to and from your GAIN activities?

(b) County of residence during retroactive period.

(c) Claimant's case name used during retroactive period.

(d) Claimant's social security number.

(e) Claimant's signature.

(f) Claimant's date of birth.

.522 The following information shall be provided on the Temp GAIN 66 to the extent possible:

(a) The three "Yes, No and Don't Know" questions.

(b) The approximate date(s) claimant was in the GAIN Program.

(c) Claimant's telephone number.

(d) Claimant's current address.

.53 If claimant is a class member:

Issue a NOA (M50-021A Rev. 7/92) within 60 days from receipt of claim explaining why the claim was approved, when payment can be expected and the formula used to arrive at the corrective underpayment.

.531 If a county has the capability to include the warrant with the NOA, the county shall do so.

.54 If claimant is not a class member:

Issue a NOA (M50-021B Rev. 7/92) within 60 days from receipt of claim explaining why the claimant is not a class member and claimant's right to file for a hearing if he/she does not agree with the county's decision.

.55 Request additional information needed to complete processing Temp GAIN 66. If Temp GAIN 66 is inconsistent with case record or needs clarification, county shall first attempt to resolve issue(s) by telephone.

.551 Issue a NOA (M50-021C Rev. 7/92) within 30 days after receipt of Temp GAIN 66 requesting the documentation, additional information or clarification if unable to resolve problem(s) by telephone.

(a) Claimant shall have 30 days from the date of the NOA to respond to the request for additional information.

(b) If the response is not received within the 30 days, the claim shall be denied.

.552 Request documentation if such is in the claimant's possession and necessary to support the claim.

(a) If claimant does not have the documentation, request that the claimant sign ABCDM 228, or the county equivalent form, to allow the county to obtain documentation on behalf of the claimant.

(b) If claimant is unable to provide the requested documentation, a declaration signed under penalty of perjury affirming the information shall be accepted in lieu of the documentation, unless there is conflicting evidence in the case record or information known to the county.

.553 Complete processing the claim within 30 days after receiving the additional information.

(a) If the additional information establishes eligibility, issue a NOA (M50-021A Rev. 7/92) explaining why the claim was approved, when payment can be expected and the formula used to arrive at the corrective underpayment.

(b) If the additional information does not establish eligibility, issue a NOA (M50-021B Rev. 7/92) explaining why the claim was denied and the claimant's right to a hearing if the claimant does not agree with the decision.

.554 Issue a NOA (M50-021B Rev. 7/92) if the claimant fails to provide documentation in his/her possession or sign the ABCDM 228 or a document of self-certification in support of the claim.

.56 Process the first claim and deny any subsequent claims related to this Court Order or any other court order or settlement if more than one claim is filed for the same action.

.6 Computation of Corrective Underpayments

.61 In the AFDC Program, a corrective underpayment is not to be considered as income or a resource for AFDC grant calculation in the month received and the following month.

.62 In the Food Stamp Program, a corrective underpayment shall be counted as a resource but excluded as income in the month received.

.63 County shall offset any corrective underpayment against outstanding recoupable overpayments.

.631 For claimants no longer in the GAIN Program or on AFDC, the responsible county must still offset the retroactive payment for supportive services against any outstanding overpayment.

.64 County shall ensure that a corrective underpayment for this Court Order is not considered a part of the AFDC grant calculations even when reported on the monthly reporting document.

.65 The legal rate of interest shall be paid by counties to all class members who are no longer on aid as specified in Civil Code Section 3287.

.7 Statistical Reporting

.71 Counties shall submit the GEN 1172 no later than March 1, 1993 to the Statistical Services Bureau.

.72 Report shall include the number of:

.721 Temp GAIN 66s counties mailed or handed to potentially eligible persons.

.722 Temp GAIN 66s received by counties as a claim.

.723 Cases identified by a county as receiving transportation supportive services and mailed a Temp GAIN 66.

.724 GAIN participants identified by a county as class members and issued a warrant correcting the underpayment.

.725 Claims (Temp GAIN 66) approved.

.726 Claims (Temp GAIN 66) denied because:

- (a) Temp GAIN 66 was submitted after the claim period.
- (b) Temp GAIN 66 was incomplete and county was unable to get the information needed from claimant to complete claim.
- (c) Claimant was not a member of the class.
- (d) County receiving the Temp GAIN 66 was not the responsible county. Receiving county forwarded Temp GAIN 66 to the responsible county.
- (e) County receiving the Temp GAIN 66 was not the responsible county. Receiving county could not determine the responsible county.
- (f) Other denials.

.727 Total benefits paid.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Crary v. McMahan, Sacramento County Superior Court, Case No. 363143.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

JUL 1 6 1992

At 409 O'clock P.M.

MARCH FONG EU, Secretary of State

[Signature]
Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0715-01

[Signature]

MARZ GARCIA
Director

07/16/92

NOTICE OF PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY
STATE DEPARTMENT OF SOCIAL SERVICESAGENCY FILE NUMBER (If any)
RD 870492-16

| | | | | |
|------------------|--------------------|--------------------------|------------------|-----------------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER | PREVIOUS REGULATORY ACTION NUMBER |
| | | 92-0616-01N | | |

For use by Office of Administrative Law (OAL) only

1992 JUN 16 AM 10:29

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

JUL 21 1992

Office of Administrative Law
REGULATIONS

NOTICE

FILEDIn the office of the Secretary of State
of the State of California

JUL 21 1992

At 4:15 O'clock P.M.

ARCH FONG EU, Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | | |
|---|--|--------------------------|------------------------|-------------------------------|--|
| 1. TOPIC OF NOTICE | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE | |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER | |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE | |

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| | |
|--------------------|-----------------------------------|
| TITLE(S) CCR 22 | ADOPT |
| SECTIONS AFFECTED | AMEND 87582 REPEAL 87714 |

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☐ Resubmittal
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☐ Fair Political Practices Commission
☐ State Fire Marshal
☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Asst. Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE


 TYPED NAME AND TITLE OF SIGNATORY
 JOHN D. HEALY, INTERIM DIRECTOR

6/8/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

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EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Sections 87582(c), (c)(1), (c)(2), (c)(3) and (c)(4); adopt Sections 87582(c)(5), (d)(1) and (2), (e), (f)(1), (2) and (3), and (g); renumber existing Sections 87582(d), (e) and (f) to (h), (i) and (j), respectively to read:

87582 ACCEPTANCE AND RETENTION LIMITATIONS

87582

(a) (Continued)

(b) (Continued)

(c) ~~The following persons shall not be received into accepted, and retained by a residential care facility for the elderly. Except as otherwise provided in subdivision (f), no resident shall be admitted or retained in a residential care facility for the elderly if any of the following apply:~~

- (1) ~~Persons with~~ The resident has active communicable tuberculosis.
- (2) ~~Persons who require inpatient care in a health facility. The resident requires 24-hour, skilled nursing or intermediate care.~~
- (3) ~~Persons who are~~ The resident is not elderly and ~~who~~ either have has needs which are in conflict with the other residents or the program of services offered, or ~~who~~ requires more care and supervision than other residents.
- (4) ~~Persons who are~~ The resident's primary need for care and supervision results from a mental disorder resulting in ongoing behavior which would upset the general resident group, would require a greater amount of care and of care and supervision than the other residents in the facility, or cannot generally benefit from the program of services available in the facility.
- (5) The resident is bedridden, other than for a temporary illness or for recovery from surgery.

(d) For the purposes of this section, "bedridden" means any of the following:

- (1) An applicant or resident who requires assistance in turning and repositioning in bed and is unable to leave a building unassisted under emergency conditions.
- (2) An applicant or resident who is unable to independently transfer to and from bed and is unable to leave a building unassisted under emergency conditions.

(e) For the purposes of this section, "temporary illness" means any illness which persists for 14 days or less.

(f) A bedridden resident may be retained in a residential care facility for the elderly in excess of 14 days if all the following requirements are satisfied:

- (1) The facility notifies the department in writing regarding the temporary illness or recovery from surgery.
- (2) The facility submits to the department, with the notification, a physician and surgeon's written statement to the effect that the resident's illness or recovery is of a temporary nature. The statement shall contain an estimated date upon which the illness or recovery will end or upon which the resident will no longer be confined to a bed.
- (3) The department determines that the health and safety of the resident is adequately protected in that facility and that transfer to a higher level of care is not necessary.

(g) Notwithstanding the length of stay of a bedridden resident, every facility admitting or retaining a bedridden resident, as defined in this section, shall, within 48 hours of the resident's admission or retention in the facility, notify the local fire authority with jurisdiction in the bedridden resident's location of the estimated length of time the resident will retain his or her bedridden status in the facility.

(h) (Continued)

(i) - (j) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Sections 1250, 1569.1, 1569.2, 1569.30, 1569.31, 1569.312 ~~and~~ 1569.54/ and 1569.72, Health and Safety Code.

Amend Section 87701(a); repeal Section 87701(a)(2) and renumber existing Sections 87701(a)(3) through (20) respectively to read:

87701 PROHIBITED HEALTH CONDITIONS

87701

- (a) In addition to Section 87582(c), the following persons ~~shall not be accepted or retained in a residential care facility for the elderly (RCFE)~~ who require health services for or have a health condition including but not limited to those specified below shall not be admitted or retained in a residential care facility for the elderly:

(1) (Continued)

~~(2) Inability to turn in bed without assistance or to transfer to or from bed independently except as specified in Section 87714/~~

(32) (Continued)

(43) (Continued)

(65) (Continued)

(76) (Continued)

(87) (Continued)

(98) (Continued)

(109) (Continued)

(110) (Continued)

(121) (Continued)

(132) (Continued)

(143) (Continued)

(154) (Continued)

(165) (Continued)

(176) (Continued)

(187) (Continued)

(198) (Continued)

(2019) (Continued)

Authority Cited: Sections 1569.30 and 1569.30(a), Health and Safety Code.

Reference: Sections 1569.2(a), (e), and (j); 1569.30(b); ~~and~~ 1569.312; and 1569.72; Health and Safety Code.

Repeal Section 87714

87714 TRANSFER DEPENDENCY

87714

1a) The licensee shall be permitted to accept or retain a resident who cannot independently transfer to and from bed under the following circumstances:

11) An appropriate fire clearance is obtained.

12) An exception has been approved by the licensing agency.

Authority cited: Section 1569.10(a), Health and Safety Code.

Reference: Sections 1569.1(a), (e), and (j); 1569.10(b); and 1569.112, Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

JUL 21 1992

At 4:15 O'clock P M.

MARCH FONG EU, Secretary of State

[Signature]

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0616-01

[Signature]

MARZ GARCIA
Director

07/21/92

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW
EMERGENCY NOTICE OF PUBLICATION/REGULATION SUBMISSION
STD. 400 (REV. 2-91)

(See instructions on reverse)

For use by Secretary of State only

AGENCY

State Department of Social Services

| | | | | | |
|------------------|--------------------|--------------------------|---------------------------------|-----------------------------|-----------------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER 92-0720-02K | AGENCY FILE NUMBER (7/2/92) | PREVIOUS REGULATORY ACTION NUMBER |
|------------------|--------------------|--------------------------|---------------------------------|-----------------------------|-----------------------------------|

For use by Office of Administrative Law (OAL) only

1992 JUL 20 PM 3:40

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED
APPROVED FOR FILING

JUL 23 1992

Office of Administrative Law
REGULATIONS

NOTICE

FILED

the office of the Secretary of State
of the State of California

JUL 23 1992

At 357 o'clock P.M.

MARCH FONG EU, Secretary of State

Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | |
|---|--------------------------|------------------------|-------------------------------|
| 1. TOPIC OF NOTICE GA CATEGORICAL ELIGIBILITY | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | NOTICE REGISTER NUMBER | | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|---|
| TITLE(S) MPP | ADOPT 63-013 |
| SECTIONS AFFECTED | AMEND 63-102, 63-301, 63-402, 63-404, 63-409, 63-501, 63-503, 63-504, 63-505 REPEAL |

2. TYPE OF FILING

| | | | |
|---|--------------------------------------|--|---|
| <input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346) | <input type="checkbox"/> Resubmittal | <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) | <input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b)) |
| <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above. | | | |
| <input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify) | | | |

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

| | | |
|--|--|--|
| <input type="checkbox"/> Effective 30th day after filing with Secretary of State | <input type="checkbox"/> Effective on filing with Secretary of State | <input checked="" type="checkbox"/> Effective other (Specify) August 1, 1992 |
|--|--|--|

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

| | | |
|---|--|---|
| <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) | <input type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal |
|---|--|---|

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

JOHN D. HEALY, Interim Director

7/6/92

Adopt Section 63-013 to read:

63-013 IMPLEMENTATION OF CATEGORICAL ELIGIBILITY FOR GENERAL ASSISTANCE RECIPIENTS

63-013

- .1 Sections 63-102c.(2) and g.(1) and 63-301.7 and .8, as amended herein, shall become effective August 1, 1992.
- .11 Beginning August 1, 1992, the CWDs shall implement the amended or adopted provisions for all new food stamp applications. If for any reason the CWD fails to implement on the required date, restored benefits shall be provided, if appropriate, back to the required implementation date, the date of the food stamp application or the date the household was determined categorically eligible, whichever is later.
- .12 Continuing cases shall be converted to these provisions at household request, at the time of recertification, or when the case is reviewed next, whichever occurs first. Restored benefits shall be provided back to the required implementation date, August 1, 1992.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 272.1(g)(122)(ii) and Section 1101(d)(1), Public Law 102-237.

Amend Sections 63-102c.(2) and g.(1) to read:

63-102 DEFINITIONS (Continued)

63-102

c. (1) (Continued)

- (2) "Categorical Eligibility" means being considered eligible for food stamps, ~~in accordance with~~ as specified in Sections 63-301.6, and .7 and .8, because of the household's eligibility for public assistance (PA) or general assistance (GA). (Continued)

g. (1) (Continued)

- (A) For purposes of determining categorical eligibility, as specified in Section 63-301.82, GA recipients include individuals authorized to receive GA benefits whether or not they are actually receiving a GA payment. This includes recipients whose GA benefits have been suspended or recouped, or those who are entitled to GA benefits but are not paid such benefits because the grant is below the minimum payable under the GA program.

Authority Cited: Sections 10553, 10554, and 18904, Welfare and Institutions Code.

Reference: 8 U.S.C.A. Section 1522(e); 42 U.S.C.A. 601, et seq.; and 42 U.S.C.A. 5122; 7 CFR 271.2; 7 CFR 273.1(c)(5); 7 CFR 273.11(a)(2)(iii); 7 CFR 273.2, (j), and (j)(4); 7 CFR 273.16(c); 7 CFR 273.21(b); 7 CFR 274.3; 7 CFR 2710.2; 45 CFR Part 401; 45 CFR 400.62; (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) _____ F. Supp. _____ [Dock. No. CV-89-0768].)/; ~~and~~ Section 66011, Education Code; and Section 902, Public Law 102-237.

Amend Sections 63-301.7 and .8 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)

63-301

.7 Categorically Eligible PA Households (Continued)

- .72 When determining whether a household is to be considered PA categorically eligible, the CWD shall verify the following factors, only when questionable, as specified in Section 63-300.53. (Continued)
- .74 The following persons shall not affect the eligibility of an otherwise categorically eligible PA household: (Continued)
- .745 Persons institutionalized in an unauthorized facility as defined in Section 63-402.4; ~~or~~
- .746 Household members, other than the principal work registrant, who are disqualified for failure to comply with work requirements as specified in Section 63-407.4; or
- .747 GA recipients who receive benefits from a GA program appropriate for categorical eligibility.
- .75 For purposes of work registration, the exemptions specified in Section 63-407.2 shall apply to individuals in PA categorically eligible households. Any individual who is not exempt from work registration is subject to the work requirements specified in Section 63-407.

.8 GA Households

- .81 CWDs shall advise all GA applicant households of their potential categorical eligibility for food stamp benefits and provide these households with food stamp application forms DFA 285-A1 and DFA 285-A2. GA households shall not be considered categorically eligible for food stamp benefits unless they receive, or are authorized to receive, benefits from a GA program appropriate for categorical eligibility as specified in Section 63-301.82.
- .811 CWDs shall allow households in which all members are applying for GA benefits to leave a signed food stamp application DFA 285-A2, which contains, at a minimum, the household's name, ~~and~~ address, and signature, at the GA office. The GA office shall forward these applications that same day to the appropriate food stamp office for processing. The procedural and timeliness requirements that apply to the non-PA application process shall begin when the food stamp office receives the application. Since there may be a delay involved in the transferring of applications from GA office to food stamp offices, households shall be advised that they may receive faster service if they take the application directly to the food stamp office.

.82 Categorically Eligible GA Households

.821 Any household, except those specified in Section 63-301.824, in which all food stamp eligible members receive or are authorized to receive GA benefits from a GA program which meets the following criteria, shall be considered eligible for food stamps because of their status as GA recipients.

- (a) The GA program must have income criteria equal to, or more restrictive than, the food stamp gross income test; and
- (b) The GA program must provide benefits as defined in Section 63-102g.(1)(A) and must not provide only one-time emergency payments; and
- (c) A signed certification that the county's GA program is appropriate for categorical eligibility is on file with the SDSS; or
- (d) The GA program has been certified by FNS as an appropriate program.

.822 The eligibility factors which shall be accepted for food stamp eligibility without verification are the resource (except resource transfers); gross and net income limits; sponsored alien information; and residency.

.823 When determining whether a household is to be considered GA categorically eligible, the CWD shall verify that the household contains only food stamp eligible members who are receiving, or are authorized to receive, GA from a GA program appropriate for categorical eligibility.

- (a) Where household composition is questionable, the CWD shall determine that the household meets the definition of household as specified in Section 63-402 and contains no individuals disqualified as specified in Section 63-301.825.

.824 A household shall not be considered categorically eligible and is subject to all food stamp eligibility and benefit provisions if:

- (a) The household refuses to cooperate in providing information to the CWD that is necessary for making an eligibility determination or for completing any subsequent review of eligibility;
- (b) The household is disqualified because the head of household fails to comply with a work requirement as specified in Section 63-407.1;
- (c) The household is ineligible under the striker provisions as specified in Section 63-402.8; or

(d) The household is ineligible because they knowingly transferred resources for the purpose of qualifying or attempting to qualify for the program as specified in Section 63-501.6.

.825 The following individuals shall not be included as a member of an otherwise categorically eligible household if that person:

- (a) Is disqualified for intentional Program violation;
- (b) Is not the head of household and disqualified for failure to comply with the work requirements specified in Section 63-407.1;
- (c) Fails to provide or apply for an social security number;
- (d) Is an ineligible alien;
- (e) Is an ineligible student;
- (f) Is an SSI recipient; or
- (g) Is institutionalized in a nonexempt facility as specified in Section 63-402.4.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code/; Section 11349.1, Government Code; 7 CFR 271.2/; 7 CFR 273.2(h)(1)(C), (i)(4)(iii)(B), (j), (j)(1), (j)(1)(iv), ~~and~~ (j)(2)(iii), (j)(3), (j)(4), and (j)(4)(vi); 7 CFR 273.8(e)(17)/; 7 CFR 273.10(c)(1)/; 7 CFR 274.2; ~~and~~ (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) _____ F. Supp. _____ [Dock. No. CV-89-0768]/); and Section 902, Public Law 102-237.

Amend Sections 63-402.22 and .222 to read:

63-402 HOUSEHOLD CONCEPT (Continued)

63-402

.2 Nonhousehold and Excluded Household Members (Continued)

.22 Excluded Household Members

The following individuals residing with a household shall be included as a member of the household for the purpose of defining a household under Section 63-402.1. However, such individuals shall be excluded from the household for the purpose of determining household size, eligibility or benefit level, or when determining categorical eligibility in accordance with Sections 63-301.7 and .82. The income and resources of excluded household member(s) shall be handled in accordance with Sections 63-503.44 and 63-503.45 as appropriate. Excluded household members shall not participate in the Food Stamp Program as separate households. (Continued)

.222 SSN Disqualified

Individuals disqualified for refusal or failure, without good cause, to provide or obtain an SSN as required in Section 63-404.4.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.1(a)(1) through (b)(1), 7 CFR 273.1(a)(2)(i)(B) and (C), 7 CFR 273.1(b)(1)(iii), 7 CFR 273.1(b)(2)(iii), 7 CFR 273.1(c), 7 CFR 273.1(e)(1), 7 CFR 273.1(d)(1) and (2), 7 CFR 273.1(g), 7 CFR 273.2(j)(4), 7 CFR 273.10(c)(1)(i); 7 CFR 274.5 and 7 CFR 274.10, USDA Administrative Notice 89/65/Policy Memo 89-11 and 89-12, and Sections 10554 and 18904, Welfare and Institutions Code.

Amend Section 63-404.1 to read:

63-404 SOCIAL SECURITY NUMBERS

63-404

- .1 Applicant or recipient households shall provide the CWD with the social security number (SSN) of each household member or shall provide verification of application for an SSN prior to certification. (See Section 63-301.71 for PA categorically eligible households.) The CWD shall explain to applicants and recipients that refusal or failure without good cause to provide or apply for an SSN shall result in disqualification of the individual for whom the SSN is not obtained in accordance with Section 63-404.4. The CWD shall send the household a notice of adverse action explaining the effect of the disqualification on the eligibility and allotment of the remaining household members in accordance with Section 63-504.261. If individuals have more than one number, all numbers shall be required.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(j)(3) and (4), 7 CFR 273.10(b), 7 CFR 273.6, and Sections 10554 and 18904, Welfare and Institutions Code.

Amend Section 63-409.1 to read:

63-409 INCOME AND RESOURCE MAXIMUMS

63-409

.1 Requirements for Participation

Except for categorically eligible households, as specified in Sections 63-301.6, ~~and .7~~, and .82, only those households with income and resources which do not exceed the maximum income and resource eligibility standards shall be eligible to participate in the Food Stamp Program. The maximum income and resource eligibility standards are promulgated and updated by the USDA, and contained in tables reproduced in Handbook Section 63-1101.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(j)(4).

Amend Section 63-501 to read:

63-501 RESOURCE DETERMINATIONS

63-501

The CWD shall apply the uniform national resource standards of eligibility to all applicant households, except as specified in Sections 63-301.7 and .82.

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code; ~~and~~ 7 CFR 273.8(e)(17)/ and 7 CFR 273.2(j)(4); Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 101-508, Section 11111(b); 26 U.S.C. 33(j)(5); 42 U.S.C.A. 5122 as amended by P.L. 100-707, Section 105(i) and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

Amend Sections 63-503.11, .211, .231, .322(a), .329(b), .442(d)(4), and .453(d) to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS

63-503

.1 Month of Application

- .11 A household's eligibility shall be determined for the month of application by considering the household's circumstances as of the date of interview, except as specified in Sections 63-402.9 (Strikers), 63-408 (Voluntary Quit), 63-501.6 (Resource Transfers), 63-503.212 (Income Determinations), and 63-503.43 (Destitute Households), and 63-301.7 and .82 (Categorically Eligible Households). (Continued)

.2 Determining Resources, Income and Deductions

- .21 Prospective Budgeting in the Beginning Months for Households Who Shall be Subject to Retrospective Budgeting

.211 Determining Resources

Except for households determined to be categorically eligible ~~per~~ as specified in Sections ~~63-301.7 and~~ 63-301.7 and .82, the household's resources at the time of the interview shall be used to determine the household's eligibility, in accordance with Sections 63-501 and 63-409.12. (Continued)

- .23 Households Subject to Retrospective Budgeting After the Beginning Months

.231 Prospective Eligibility

The CWD shall continue to prospectively determine food stamp eligibility after the beginning months. To make this determination the CWD shall act, in accordance with Sections 63-503.231(a), (b), (c), and for categorically eligible households, Sections 63-301.7 and .82. The prospective eligibility determination shall determine whether or not a household continues to be eligible for benefits, it does not determine what benefit level a household is entitled to receive. A household is neither eligible for a restoration of benefits nor shall a claim be established against a household for an inaccurate estimate of a household's prospective eligibility.

.3 Calculating Net Income and Benefit Levels (Continued)

- .32 Eligibility and Benefits (Continued)

.322 (Continued)

- (a) For households which are subject to monthly reporting, the CWD shall apply the net monthly income eligibility standards each month during the household's certification period, except as specified in Sections 63-301.7 and .82. The household's continued eligibility for benefits shall be based on the household's size and income information which the household and the CWD anticipate for the next issuance month. This determination shall be based on the information reported on and submitted with the most recent CA 7. The CWD shall also consider information which the household reports outside of the normal monthly reporting system. (Continued)

.329 (Continued)

- (b) The household is categorically eligible as specified in Sections 63-301.7 and .82. The CWD shall notify these households of their eligibility for zero benefits. (Continued)

.4 Households with Special Circumstances (Continued)

.44 Treatment of Income and Resources of Excluded Members

.442 (Continued)

(d) (Continued)

- (4) Determining the categorical eligibility of the remaining household members as specified in ~~accordance with~~ Sections 63-301.7 and .82. (Continued)

.45 Nonhousehold Members (Continued)

.453 Eligibility and Benefit Level (Continued)

- (d) Determining the categorical eligibility of the remaining household members in accordance with Sections 63-301.7 and .82.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2, 7 CFR 272.3(c)(1)(ii), 7 CFR 273.1(b)(2)(iii), 7 CFR 273.2(j)(4), 7 CFR 273.10(c)(2)(iii), 7 CFR 273.11(a)(2)(i), 7 CFR 273.11(c), (c)(1), (c)(2)(iii), (c)(3)(ii), and (d)(1), 7 CFR 273.11(e)(1); (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) ____ F. Supp. ____ [Dock. No. CV-89-0768]); Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, United States Department of Agriculture, Food and Nutrition Service.

Amend Sections 63-504.121(a), .231(a), .611(a) and (b), .623, and .624 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY

63-504

.1 Certification Periods (Continued)

.12 Additional Requirements for Establishing Certification Periods for Monthly Reporting Households

.121 Public Assistance and Categorically Eligible Households (Continued)

- (a) If a household initially applies jointly for food stamps and PA benefits, a nonassistance classification shall be assigned if the food stamp application is approved prior to the PA determination being made and the certification period shall be assigned in accordance with Section 63-504.122. When the PA application is approved, the household shall be reclassified as public assistance, but the certification period shall remain as originally assigned. (See Section 63-301.7 for additional procedures for PA categorically eligible households.) (Continued)

.2 Notices of Action (Continued)

.23 Notice of Denial (DFA 377.1)

.231 (Continued)

- (a) If a household which is potentially categorically eligible is denied NA food stamps, the Notice of Denial shall inform the household to notify the CWD if its PA or GA benefits are approved. (See Section 63-301.631(b).) (Continued)

.6 Recertification of All Household

.61 General Requirements

.611 (Continued)

- (a) The joint processing requirements in Section 63-301.6 for PA and PA categorically eligible households shall also apply to applications for recertification.
- (b) If the PA redetermination is not timely completed for categorically eligible households, the food stamp recertification shall not be delayed and must be completed in accordance with Section 63-504.6. PA Categorical eligibility shall be assumed. (Continued)

.62 (Continued)

.623 PA and PA categorically eligible households that are jointly processed in accordance with Section 63-301.6 shall, to the extent possible, be recertified for food stamps at the same time that their PA eligibility is redetermined. (See Section 63-504.611 for PA categorically eligible households.) They may be recertified in the month prior to the last month of the certification period in conjunction with the PA redetermination, except that, if the recertification is not completed in that month, it shall be pended and the household shall be provided a notice of expiration in accordance with Section 63-504.251. The recertification shall be completed during the last month of the certification period, as specified in Sections 63-504.621, .622, and .623. When the recertification is completed in the month prior to the last month of the certification period, the new certification period shall begin with the last month of the old certification period.

.624 Households that receive a notice of expiration shall be subject to the verification requirements specified in Section 63-504.3 for information provided on the CA 7, but shall not be subject to the other CA 7 processing provisions contained in Section 63-504.3 in the last month of the certification period since recertification provisions in Section 63-504.6 are in effect in this month. PA households whose recertifications are completed in the month prior to the last month of the certification period shall be subject to all provisions of Section 63-504.3 in that month, except that they shall be provided a DFA 377.1, instead of a DFA 377.4. In addition, all changes reported on the application shall be subject to the same verification procedures as apply at initial certification, including categorically eligible households, as specified in Sections 63-301.71, ~~and~~ .72, and .82.

Authority Cited: Sections 10554, 11265.1, and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2, 7 CFR 273.2(j)(3) and (4), 7 CFR 273.8(b), 7 CFR 273.21(h)(3)(ii), 7 CFR 273.21(j), 7 CFR 273.21(j)(1)(vi), and 7 CFR 274.10.

Amend Section 63-505.4(h) to read:

63-505 HOUSEHOLD RESPONSIBILITIES (Continued)

63-505

.4 Verification Responsibilities for Monthly Reporting Households (Continued)

- (h) Social Security Number, except for PA categorically eligible households; and citizenship/alien status of household members when there is a change. (See Sections 63-403 and 404.)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.2(j)(3) and (4), 7 CFR 273.11(a)(92)(iii), 7 CFR 273.12, 7 CFR 273.2(d), and 7 CFR 273.21(b).

OFFICE OF ADMINISTRATIVE LAW

FILED
in the office of the Secretary of State
of the State of California

CERTIFICATION

OF

APPROVAL

JUL 23 1992

At 3:57 o'clock P.M.
MARCH FONG EU, Secretary of State
E: *Ethel Lowery*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 92-0720-02

Marz Garcia

MARZ GARCIA
Director

07/23/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY
STATE DEPARTMENT OF SOCIAL SERVICESAGENCY FILE NUMBER (If any)
RDB#0192-02

| | | | | |
|------------------|--------------------|--------------------------|------------------|-----------------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER | PREVIOUS REGULATORY ACTION NUMBER |
| | | 92-0626-02 | 92-0218-05 E | |

For use by Office of Administrative Law (OAL) only

1992 JUN 26 PM 2 20

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

JUL 31 1992

Office of Administrative Law
REGULATIONS

NOTICE

FILED
in the office of the Secretary of State
of the State of California

JUL 31 1992

At 4:27 o'clock P.M.

MARCH FONG EU, Secretary of State

Guthrie Louwidy
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|--------------------------|------------------------|-------------------------------|
| 1. TOPIC OF NOTICE INCOME DISREGARDS FOR SANCTIONED INDIVIDUALS | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|---|
| TITLE(S) | ADOPT 40-013 |
| SECTIONS AFFECTED | AMEND 44-133.32 44-133.32 per agency June 7-31-92 |
| | REPEAL |

2. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))
- ☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

- ☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

- ☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal
- ☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Asst. Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy
TYPED NAME AND TITLE OF SIGNATORY
JOHN D. HEALY, INTERIM DIRECTOR

DATE

6/24/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

40-013 IMPLEMENTATION OF REGULATIONS FOR THE TREATMENT OF EARNED
INCOME DISREGARDS FOR SANCTIONED INDIVIDUALS

40-013

- .1 This regulatory action consists of amending Section 44-133.32 in order to provide consistency with the Federal Action Transmittal FSA-AT-91-4 resulting from the Simpson v. Hegstrom court decision. These regulations as amended herein shall become effective March 1, 1992.
- .2 Corrective underpayments to eligible recipients resulting from the application of Section 44-133.32 shall be provided back to the date of application or March 1, 1991, whichever occurred later.
- .21 Appropriate corrective underpayments shall be paid upon request of the recipient, or at redetermination, or when the CWD becomes aware that a review is needed, whichever comes first.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10850, 11272 and 11450(f)(2), Welfare and Institutions Code; 45 CFR 205.50, 45 CFR 206.10(a)(1)(ii), and 45 CFR 206.10(a)(8); U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; and Simpson v. Hegstrom, 873 F.2d 1294 (1989).

Amend Section 44-133.3 to read:

44-133 TREATMENT OF INCOME -- AFDC (Continued)

44-133

.3 Income in Cases in Which a Parent or Child has been Excluded from the Assistance Unit

.31 (Continued)

.32 Income of the parent or child who is excluded from the assistance unit pursuant to the provisions of Section 44-133.31 shall be allocated to the assistance unit by allowing the standard work expense and dependent care disregards, when applicable, but without consideration of his/her own needs.

.321 The earned income disregards allowed in Section 44-133.32 above shall be denied when the sanctioned individual:

- (a) fails to make a timely report of earnings as required, or
- (b) without good cause, terminates employment, reduces earnings or refuses employment within the budget period or the 30 days immediately prior to the budget period.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 10604, 11450, 11452, 11453, and 11486, Welfare and Institutions Code; 45 CFR 233.20(a)(1)(i); 45 CFR 233.20(a)(3)(vi)(B) and (xiv); and 45 CFR 233.90(c)(2)(i); Family Support Administration Action Transmittal 91-15 (FSA-AT-91-15), dated April 23, 1991, and Omnibus Budget Reconciliation Act (OBRA) of 1990; U.S. Department of Health and Human Services Federal Action Transmittal No. FSA-AT-91-4 dated February 25, 1991; and Simpson v. Hegstrom, 873 F.2d 1294 (1989).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
in the office of the Secretary of State
of the State of California

JUL 31 1992

At 4:27 o'clock P.M.
MARCEH FONG EU, Secretary of State

John K. Kovich
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0626-02

Marz Garcia

MARZ GARCIA
Director

07/31/92

EMERGENCY SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

RDB# 0792-23

| | | | | |
|------------------|--------------------|--------------------------|---------------------------------------|-----------------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER 92-072262E | PREVIOUS REGULATORY ACTION NUMBER |
|------------------|--------------------|--------------------------|---------------------------------------|-----------------------------------|

For use by Office of Administrative Law (OAL) only

1992 JUL 22 PM 1:32

OFFICE OF ADMINISTRATIVE LAW

JUL 31 1992

At 4:27 o'clock P.M.
FONG EU, Secretary of State
[Signature]

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|--------------------------|------------------------|-------------------------------|
| 1. TOPIC OF NOTICE <u>Windley v. McMahon Retroactive Regs.</u> | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|-----------------|
| TITLE(S) MPP | ADOPT 50-022 |
| SECTIONS AFFECTED | AMEND |
| | REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☒ Effective other (Specify) August 1, 1992 *per agency mnc 7-31-92*

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

| | |
|---|------------------------------|
| Jim Rhoads, Assistant Bureau Chief Regulations Development Bureau | TELEPHONE NUMBER 657-2586 |
|---|------------------------------|

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

[Signature]

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

7/22/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 50-022 to read:

50-022 WINDLEY v. McMAHON RETROACTIVE COURT ORDER

50-022

HANDBOOK BEGINS HERE

.1 Background

On October 12, 1989, the Windley v. McMahon lawsuit was filed with the Sacramento County Superior Court challenging the State Department of Social Services' (SDSS) policy of not requiring county welfare department Greater Avenues for Independence (GAIN) Program offices (counties) to provide adequate and timely notice to GAIN registrants and participants of supportive services actions being taken by counties and of their right to a state hearing. SDSS agreed it is SDSS' responsibility to monitor and instruct counties to provide adequate and timely written Notices of Action (NOAs) to GAIN registrants and participants. SDSS also agreed counties must inform registrants and participants of their right to a state hearing. On April 6, 1992, the Stipulation of Settlement and Consent Decree was signed in Sacramento County Superior Court. SDSS and counties must provide written notice of all actions related to GAIN supportive services in accordance with the provisions stipulated in the Windley Consent Decree.

HANDBOOK ENDS HERE

.2 Definitions

For the purpose of these regulations:

- (a) "ABCDM 228" means the Applicant's Authorization for Release of Information Form ABCDM 228 (10/78) which is used to obtain documentation when the requester does not have the necessary information or is unable to provide such information.
- (b) "Class member" means any current or former GAIN Program participant who:
 - (1) Had their supportive services approved, denied, changed or terminated;
 - and
 - (2) Did not receive an adequate written notice telling them why;
 - and/or
 - (3) Was not told of their right to a state hearing if they did not agree with the county's action.
- (c) "Five standard languages" means Spanish, Vietnamese, Laotian, Chinese and Cambodian.

- (d) "GAIN 50" means the GAIN Hearing Rights Form GAIN 50 (6/92) which is used to explain to people their rights to a hearing if they do not agree with the action taken by a county.
- (e) "GEN 1172" means the Statistical Report Form GEN 1172 (3/91) Court Case: Windley v. McMahon used to gather data regarding the request to review case records resulting from this lawsuit.
- (f) "NOA" means a notice of action (NOA) that meets the adequacy requirements of Section 22-022. A requester is considered to be informed of the outcome of a request to have his/her case file reviewed when he/she is provided a NOA.
- (g) "Receiving county" means the county which the TEMP GAIN 77 is mailed to or given to for processing. The receiving county may or may not be the responsible county.
- (h) "Responsible county" means the county that denied, reduced or terminated supportive services and did not provide adequate written notice explaining the reason for such an action.
- (i) "Retroactive period" means the period of time between October 12, 1986 to April 1, 1991.
- (j) "Request period" means the time period in which a person may file a request to have their case file reviewed which is from August 1, 1992 through October 30, 1992.
- (k) "TEMP GAIN 58" means the GAIN Supportive Services Overpayment Notice Form TEMP GAIN 58 (2/91) which is used to explain to a person his/her responsibilities for payment of overpayments.
- (l) "TEMP GAIN 63" means the Windley v. McMahon Notice [Informing Card] TEMP GAIN 63 (7/92) mailed with the Medi-Cal card to current Aid to Families with Dependent Children (AFDC) and medically-needy-only (MNO) recipients.
- (m) "TEMP GAIN 76" means the Windley v. McMahon [Informing Poster] TEMP GAIN 76 (8/92) used to notify former and current GAIN Program participants of the Windley settlement.
- (n) "TEMP GAIN 77" means the Windley v. McMahon Review Request Form TEMP GAIN 77 (7/92) provided by counties to potentially eligible persons to use to request to have their case files reviewed.

.3 Informing of Case Review

HANDBOOK BEGINS HERE

TEMP GAIN 63 shall be mailed to all current AFDC and MNO Medi-Cal recipients. TEMP GAIN 76 shall be provided to all colleges, universities, community colleges, child care resource/referral agencies, and legal aid and welfare rights organizations. TEMP GAIN 76 shall be placed in all county welfare offices, GAIN offices and Food Stamp outlets. The TEMP GAIN 77 shall be provided by counties to any person upon request.

HANDBOOK ENDS HERE

.31 SDSS Responsibilities

SDSS shall:

.311 Include TEMP GAIN 63 with the Medi-Cal card issued to current AFDC and MNO recipients the month of August 1992.

(a) The TEMP GAIN 63 shall be printed in English on one side with bullets in the five standard languages on the other.

.312 Provide counties with a reproducible copy of TEMP GAIN 77 in English and Spanish with bullets in Vietnamese, Laotian, Chinese and Cambodian.

.313 Provide counties with a supply of the TEMP GAIN 76 in English and Spanish with bullets in Vietnamese, Laotian, Chinese and Cambodian.

(a) Instructions shall request counties to display the TEMP GAIN 76 from August 1, 1992 through October 30, 1992.

.314 Provide counties with reproducible copies of NOA messages in English and the five standard languages.

.315 Mail copies of the TEMP GAIN 76 to legal aid and welfare rights organizations of the plaintiffs' choice.

.316 Make available \$30,000 for a summary of the court settlement to be published in newspapers or other media of plaintiffs' choice.

(a) Announcements and/or news releases shall be provided to the media two weeks before the beginning of the request period and two weeks before end of the period.

.32 County Responsibilities

Counties shall:

.321 Give or mail a TEMP GAIN 77 to anyone upon request.

(a) A TEMP GAIN 77 shall be mailed within seven (7) working days after receipt of verbal or written request.

(b) If the request is received the last week of the request period, the county shall advise the requester of the final filing date.

.322 Place TEMP GAIN 76 in conspicuous locations in all welfare offices, GAIN offices and Food Stamp outlets.

.323 Issue TEMP GAIN 76 to:

(a) All child care resources and referral agencies requesting that the TEMP GAIN 76 be displayed in conspicuous locations.

(b) All community colleges, state colleges and universities, requesting that the TEMP GAIN 76 be displayed in conspicuous locations.

HANDBOOK BEGINS HERE

(1) It is recognized and agreed that SDSS and counties cannot require educational institutions to display the TEMP GAIN 76.

HANDBOOK ENDS HERE

.324 Reproduce an adequate supply of the TEMP GAIN 77 in English and Spanish.

.4 Review Request Form

HANDBOOK BEGINS HERE

Potentially eligible persons shall receive a TEMP GAIN 63 in the mail or see a TEMP GAIN 76. A potentially eligible person may request a TEMP GAIN 77 by mail or in person from any county.

HANDBOOK ENDS HERE

.41 Requester Responsibilities

Requester shall:

.411 Complete and sign TEMP GAIN 77 [see Section 50-022.521]. The TEMP GAIN 77 shall be signed under penalty of perjury.

.412 Submit TEMP GAIN 77 to responsible county.

(a) Submit TEMP GAIN 77 on or before end of request period. If mailed, postmark must be no later than October 30, 1992.

(b) Requester shall be permitted to resubmit a previously denied request during the request period.

.413 Provide to counties additional information, documentation or clarification of the TEMP GAIN 77 upon request.

HANDBOOK BEGINS HERE

(a) Examples of types of information or clarification that may be requested or reasons for a request: person's name if different while in GAIN; illegible handwriting; wrong social security number; missing social security number; no county listed.

HANDBOOK ENDS HERE

.42 County Responsibilities

Counties shall:

.421 Stamp the TEMP GAIN 77 with the date it is received.

.422 Retain envelopes that are postmarked after October 30, 1992 [see Section 50-022.412].

(a) If the date cannot be determined by either postmark or date stamp, the date the requester signed the TEMP GAIN 77 shall be used to determine when the request was received.

.423 Issue a NOA (M50-022N Rev. 7/92) within 30 days denying request if request is postmarked after request period [see Section 50-022.534].

.424 Maintain all records which contain documentation relative to this court order for three years after the final legal claim has been submitted for federal reimbursement.

(a) Records include, but are not limited to, those used to determine eligibility for the class, including denials, and those used to determine the amount of any corrective over/underpayments.

(b) Records which are pertinent to this court order may include case records, payment records, assistance claims and reimbursement claims.

.425 Determine the responsible county.

(a) Process the TEMP GAIN 77 within 60 days when the receiving county is the responsible county and the requester is a class member [see Section 50-022.54].

- (b) Process the TEMP GAIN 77 within 30 days when the receiving county is the responsible county and the requester is not a class member [see Section 50-022.53].
- (c) If the receiving county determines that the TEMP GAIN 77 has been submitted to the wrong county (county named on TEMP GAIN 77 is not the county which received the request), the receiving county shall issue a NOA (M50-022N Rev. 7/92) denying the request and forward the TEMP GAIN 77 to the responsible county.
 - (1) Preprint on the back of the NOA (M50-022N Rev. 7/92), or attach copy of, the GAIN 50.
 - (2) Forward the TEMP GAIN 77 to the responsible county within 15 calendar days after receipt.
 - (3) Issue a NOA (M50-022N Rev. 7/92) within 30 days. Inform the requester in the NOA that the TEMP GAIN 77 has been forwarded to the responsible county for processing.
 - (4) The date the TEMP GAIN 77 was submitted to the receiving county shall be the date of the request.
- (d) If the receiving county cannot determine which is the responsible county (no record of the requester having been in the GAIN Program and there is no other county listed on the TEMP GAIN 77), issue a NOA (M50-022N Rev. 7/92) denying the request telling the requester to resubmit the TEMP GAIN 77 to the responsible county.
 - (1) Preprint on the back of the NOA (M50-022N Rev. 7/92), or attach copy of, the GAIN 50.
 - (2) The receiving county shall issue the denial NOA (M50-022N Rev. 7/92) within 30 working days after receipt of request [see Section 50-022.536].
 - (3) Receiving county shall inform requester to resubmit the TEMP 77 within the request period or 30 calendar days from the date on the NOA, whichever is longer.

.5 Request Processing

The responsible county shall determine whether the requester is a class member and take appropriate action.

Counties shall:

- .51 Complete processing the TEMP GAIN 77, to the extent possible, without requiring the requester to come in person to the county.

.52 Review each TEMP GAIN 77 to determine if the requester has provided the information needed in order to locate the appropriate case record [see Section 50-022.425].

.521 For the purpose of this determination, the TEMP GAIN 77 shall be considered complete when all of the following questions are completed:

- (a) Qualifying class member questions.
- (b) County of residence during retroactive period.
- (c) Requester's case name during retroactive period.
- (d) Requester's social security number.
- (e) Requester's date of birth.
- (f) Requester's signature.

.522 The following information shall be provided in the TEMP GAIN 77 to the extent possible:

- (a) The approximate date(s) requester participated in the GAIN Program and the action(s) that was taken by the county(ies).
- (b) Requester's telephone number.
- (c) Requester's current address.

.53 Requester is not a class member.

Issue a NOA (M50-022N Rev. 7/92) within 30 days of the receipt of the TEMP GAIN 77 stating the reason for the action [see Section 50-022.425(b)]. Attach or preprint a GAIN 50 which explains the individuals right to a hearing.

The reasons for denial include, but are not limited to, the following:

.531 Requester was not in the GAIN Program during the retroactive period; or

.532 Requester received an adequate written notice and was told of his/her right to a hearing if he/she did not agree with the county's action.

- (a) Counties shall attach a copy of the original NOA to the denial NOA (M50-022N Rev. 7/92).

.533 Requester did not receive supportive services during the retroactive period; or

.534 Requester did not submit TEMP GAIN 77 within request period [see Section 50-022.412(a)]

.535 Requester did not return NOA (M50-022M Rev. 7/92) within 30 days as requested.

.536 Requester did not submit TEMP GAIN 77 to the responsible county and the receiving county could not determine from the TEMP GAIN 77 which county was responsible [see Section 50-022.425(d)(1)].

.54 Requester is a class member.

.541 Action taken was correct.

Within 60 days, issue appropriate NOA (M50-022B, C, D, E, F, G, H, J, K, L, or O Rev.'s 7/92) specifying the action, reason for the action and the formula used to arrive at the decision.

(a) Preprint on the back of each NOA, or attach a copy of, the GAIN 50.

HANDBOOK BEGINS HERE

(b) NOAs ending with the number "1" are for the retroactive period of October 12, 1986 through September 30, 1990.

(c) NOAs ending with the number "2" are for the retroactive period of October 1, 1990 through April 1, 1991.

HANDBOOK ENDS HERE

.542 Requester was underpaid.

Within 60 days, issue a NOA (M50-022A Rev. 7/92) explaining the action, the formula used to arrive at the corrective payment and when payment can be expected [see Section 42-751.11].

(a) Preprint on the back of NOA (M50-022A Rev. 7/92), or attach a copy of, the GAIN 50.

(b) If the county has the capability to include the warrant with the NOA, the county shall do so.

(1) For the AFDC Program, a corrective underpayment is not to be considered as income or a resource for AFDC grant calculation in the month received and the following month [see Section 44-340.6].

(2) For the Food Stamp Program, a corrective underpayment shall be counted as a resource but excluded as income in the month received [see Sections 63-501.111 and 63-502.2(j)].

(3) Interest shall not be paid on the corrective underpayment.

(c) The county shall ensure that corrective underpayments for this court order are not considered a part of the AFDC grant calculations even when reported on the monthly reporting document.

.543 Requester was overpaid.

Within 60 days, issue a NOA (M50-022AA Rev. 8/92) with TEMP GAIN 58 explaining the action, the formula used to arrive at the overpayment and county collection procedures [see Section 42-751.2].

(a) Preprint on the back of NOA (M50-022AA Rev. 8/92), or attach a copy of, the GAIN 50.

(b) County shall offset any corrective underpayment against any outstanding recoupable overpayments in accordance with Section 42-751.4.

(c) For requesters no longer receiving AFDC benefits, counties shall offset the retroactive underpayment for supportive services against any outstanding overpayment in accordance with Section 42-751.5.

.55 Request additional information (NOA M50-022M Rev. 7/92).

.551 Conduct a thorough review of the requester's case file to search for the absence of an adequate written notice or to find evidence of the action referred to by the requester.

(a) The county shall work with the requester to clarify the action taken by the county.

.552 Attempt to resolve issue(s) by telephone first if the TEMP GAIN 77 is inconsistent with the case record or needs clarification (e.g., name of school or vocational training site, child care provider).

.553 Within 30 days, issue a NOA (M50-022M Rev. 7/92) requesting the documentation, additional information or clarification needed to complete processing request if unable to resolve issue(s) by telephone.

(a) Preprint on the back of the NOA (M50-022M Rev. 7/92) or attach a copy of the GAIN 50.

(b) Requester shall have 30 days from the date of NOA (M50-022M Rev. 7/92) to respond to the request for clarification, additional information or verification.

(c) If response is not received within the 30 days, request for review of case file shall be denied.

.554 Ask the requester to supply documentation when necessary in support of the TEMP GAIN 77 if such documentation is in the requester's possession.

(a) If requester does not have the documentation, ask the requester to sign an ABCDM 228, or the county's equivalent form, to allow the county to obtain documentation on behalf of the requester, or

(b) Inform the requester that if he/she is unable to provide the needed documentation, a declaration signed under penalty of perjury affirming the information shall be accepted in lieu of the documentation, unless there is conflicting evidence in the case record or conflicting information known to the county.

.555 Complete processing TEMP GAIN 77 within 30 days after receiving the additional information, verification, clarification or declaration signed under penalty of perjury from potentially eligible person.

.56 If a TEMP GAIN 77 for a specific action is filed under this court order and a claim for the same action is filed again under a subsequent court order or settlement, only the first request will be processed for the action and any subsequent claims shall be denied.

.6 Statistical Reporting

.61 Counties shall submit the GEN 1172 no later than April 1, 1993 to the Statistical Services Bureau.

.62 Report shall include the number of:

.621 TEMP GAIN 77s counties mailed or handed to potentially eligible persons.

.622 TEMP GAIN 77s received by counties to request to have case files reviewed.

.623 TEMP GAIN 77s approved as class members.

.624 TEMP GAIN 77s denied because:

(a) TEMP GAIN 77 was submitted after the request period.

(b) TEMP GAIN 77 was incomplete and county was unable to get the information needed from requester to complete review of case file.

(c) Requester was not a member of the class.

(d) County receiving the TEMP GAIN 77 was not the responsible county. Receiving county forwarded TEMP GAIN 77 to the responsible county.

(e) County receiving the TEMP GAIN 77 was not the responsible county. Receiving county could not determine the responsible county.

(f) Other denials.

.625 Total corrective overpayments identified.

(a) Total corrective overpayment amount.

.626 Total corrective underpayments paid.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11328.2, Welfare and Institutions Code; 45 CFR 205.10; and Windley v. McMahon, Sacramento County Superior Court, Case No. 362761.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

100-100000-100
In the office of the Secretary of State
of the State of California

JUL 31 1992

4:41 o'clock P.M.
MARION FONG EU, Secretary of State

Stan Louie
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Social Services

OAL File No: 92-0722-02

Mar Garcia

MARZ GARCIA
Director

07/31/92

NOTICE OF PUBLICATION OF REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

AGENCY FILE NUMBER (if any)

State Department of Social Services

0592-18

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

92-0722-03E

For use by Office of Administrative Law (OAL) only

1992 JUL 22 PM 4:34

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

JUL 31 1992

Office of Administrative Law

NOTICE

REGULATIONS

The Secretary of State
of the State of California

JUL 31 1992

At 4:27 o'clock P. M.

JAMES H. FONG, Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|--------------------------|------------------------|-------------------------------|
| 1. TOPIC OF NOTICE Monthly Reporting/Retrospective Budgeting Emergency Amendments | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|--|
| TITLE(S) MPP | ADOPT 63-014 and 63-504.5. |
| SECTIONS AFFECTED | AMEND 63-501.521; 63-503.212, .232, .242, .252, &.7; 63-504.27, .341, .353, &.391; 63-505.3&.4; &63-804.611. |
| | REPEAL None. |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☐ Effective on filing with Secretary of State
 ☒ Effective other (Specify) August 6, 1992

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

TELEPHONE NUMBER

James W. Rhoads, Asst. Bureau Chief, Regulations Development Bureau (916)657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

John D. Healy

7/23/92

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Acting Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 63-014, et seq. to read:

63-014 IMPLEMENTATION OF MONTHLY REPORTING RETROSPECTIVE BUDGETING
AMENDMENTS AND MASS CHANGES (P. L. 101-624)

63-014

HANDBOOK BEGINS HERE

These amendments are published in the final rule dated December 4, 1991 and a provision in the Mickey Leland Memorial Domestic Hunger Relief Act of 1990, Public Law 101-624.

HANDBOOK ENDS HERE

- .1 CWDs shall implement any changes in regulatory provisions for monthly reporting retrospective budgeting households or households subject to monthly reporting retrospective budgeting prospectively based on the effective date of these amendments regardless of budgeting method.
- .2 Section 63-014; Section 63-501.521(e); Sections 63-503.212(b)(2), (b)(3) and (c)(3), .232(b), (c)(2) and (d), .242(b)(3), .252(c), and .7; Sections 63-504.341(c) and (e), .353(a), .391(a), and .5; and Sections 63-505.31, .32, .4(e) and (f) as amended herein, shall become effective August 1, 1992.
- .3 The amended and adopted provisions as specified in Section 63-014.2 shall be implemented prospectively for all Food Stamp households beginning August 1, 1992.
- .4 A determination of entitlement to a restoration of lost benefits shall be made either upon request of the household, or when the CWD becomes aware that a household was denied benefits or would have been eligible for a higher allotment, and shall be implemented as follows:
 - .41 Any household that was denied benefits shall receive restored benefits back to July 1, 1992 or the date of application, whichever is later.
 - .42 Currently participating households shall receive benefits back to July 1, 1992 or the first month in which application of these provisions would have affected the household's benefits, whichever is later.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code and 7 CFR 273.21(s).

Restructure and amend Section 63-501.521(e) to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.5 Resource Values (Continued)

.52 Handling of Licensed Vehicles (Continued)

.521 The entire value of any licensed vehicle shall be excluded if vehicle meets any of the following conditions: (Continued)

(e) Necessary to transport a physically disabled household member, including an excluded disabled household member whose resources are being considered available to the household, as specified in Section 63-503.44, regardless of the purpose of such transportation.

(1) If the physical disability of the individual is not evident to the eligibility worker, verification shall be required.

(2) The individual shall be required to provide a statement from a physician certifying that the individual is physically disabled. The disability may be temporary or permanent.

(3) There shall be a limit of one vehicle per physically disabled household member.

(4) The vehicle need not have special equipment or be used primarily by or for the transportation of the physically disabled household member. However, a vehicle shall be considered necessary for the transportation of a physically disabled household member if the vehicle is specially equipped to meet the specific needs of the disabled person or if the vehicle is a special type of vehicle that makes it possible to transport the disabled person.
(Continued)

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 272.8(e)(17), Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); 42 U.S.C.A. 5122 as amended by P.L. 100-707, Section 105(i); ~~and~~ U.S.D.A. Food and Nutrition Service Administrative Notice 91-30 and Index Policy Memo 90-22, dated July 12, 1990.

Amend Sections 63-503.212(b)(2) and (3) and (c)(3); .232(b), (c), and (d); .242(b)(3); adopt Section 63-503.252(c); and renumber Section 63-504.5 to Section 63-503.7 and amend to read:

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS (Continued) 63-503

.2 Determining Resources, Income and Deductions

.21 Prospective Budgeting in the Beginning Months for Households Who Shall be Subject to Retrospective Budgeting (Continued)

.212 Determining Income (Continued)

(b) Averaging Income

Households subject to retrospective budgeting shall not have their income averaged, even if their income fluctuates from month to month, except as provided below: (Continued)

(2) Nonexcluded scholarship, deferred educational loan, and educational grant income received by households less often than monthly. Households which receive scholarships, deferred educational loans, or other educational grants shall have such income, after exclusions, shall be averaged over the period it is intended to cover/ and shall not be prospectively counted in the beginning months for retrospectively budgeted households.

(3) Contract income/ received by households which derive their annual income/ by contract/ in a period of time shorter than one year. Such income shall have that income be averaged over the period it is intended to cover, provided the income from the contract is not earned on an hourly or piece-work basis. Such income shall not be prospectively counted in the beginning months for retrospectively budgeted households.

(c) Income Only in the Month Received (Continued)

(3) The CWD shall budget stable earned and unearned income which is received on a regular basis as a single monthly payment for the month such income is intended to cover. Households receiving assistance payments such as AFDC, GA/GP, ACA, PCA, or social security payments on a recurring, monthly basis, such income shall not have their monthly income from these sources varied merely because mailing or payment cycles may cause two payments to be received in one month and none in the next month. (Continued)

.23 Households Subject to Retrospective Budgeting After the Beginning Months (Continued)

.232 Retrospective Budgeting

The CWD shall use the following income to retrospectively budget the household's level of benefits. (Continued)

(b) Averaged Income

For purposes of determining the household's level of benefits for the issuance month, the CWD shall take into account any income that has been averaged for the following households for the budget month/ ~~as provided in section 63-503.212(b)~~.

- (1) Self-employment income received less often than monthly. Households which derive their annual income in a period of time shorter than one year shall have that income averaged over a 12-month period.
- (2) Nonexcluded scholarship, deferred educational loan, and educational grant income as specified in Section 63-503.212(b)(2). Such income shall not effect more benefit months than the number of months in the period over which it is averaged.
- (3) Contract income as specified in Section 63-503.212(b)(3). Such income shall not effect more benefit months than the number of months in the period over which it is averaged.

(c) Income Only in the Month Received

When determining the household's level of benefits for the issuance month, the CWD shall count as income only that amount actually received by the household in the budget month, except as provided below: (Continued)

- (2) The CWD shall budget stable earned and unearned income which is received on a regular basis as a single monthly payment for the month such income is intended to cover. Households receiving assistance payments such as AFDC/ GA/GR/ PCA/ ECA/ or social security payments on a recurring/ monthly basis/ such income shall not have their monthly income from these sources varied merely because mailing or payment cycles may cause two payments to be received in one month and none in the next month. (Continued)

(d) Discontinued Income (Continued)

(1) In a Beginning Month

Discontinued income which was included in the household's prospective budget shall be disregarded when the beginning month ~~in which the income stops~~ becomes the budget month.

(2) After the Beginning Months

For households receiving AFDC, GA/GR, RCA, or ECA payments in the issuance month, discontinued income from the corresponding budget month shall be disregarded provided:

(A) ~~The~~ household has reported the termination of the income on the monthly report for the budget month or in some other manner, ~~and~~

(B) ~~The~~ CWD has sufficient time to process the change and affect the allotment in the issuance month corresponding to the budget month in which the income stopped/, and

(C) The AFDC, GA/GR, RCA, or ECA payments are increased as a result of the termination of the income.

.24 Determining the Eligibility and Benefit Level of Households Excluded from Retrospective Budgeting (Continued)

.242 Determining Income (Continued)

(b) Income Only in the Month Received (Continued)

(3) Households receiving assistance payments such as AFDC, GA/GR, RCA, ECA, or social security payments on a recurring, monthly basis, shall not have their monthly income from these sources varied merely because mailing or payment cycles may cause two payments to be received in one month and none in the next month. (Continued)

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS (Continued) 63-503

.2 Determining Resources, Income and Deductions (Continued)

.25 Determining Deductions For All Households (Continued)

.252 Averaging Expenses (Continued)

- (c) For retrospectively budgeted households, the CWD shall budget deductible expenses averaged over two or more months retrospectively provided that such deductions are not budgeted over more months than they are intended to cover, and the total amount deducted does not exceed the total amount of the expenses. The CWD shall continue to allow deductions for expenses incurred even if billed on other than a monthly basis unless the household reports a change in the expense. At that time, it shall be recalculated.
(Continued)

63-503 DETERMINING HOUSEHOLD ELIGIBILITY AND BENEFIT LEVELS (Continued) 63-503

§4.7 Certified Monthly Reporting Households Applying for Aid in a New County

- .71 The applications of households which were certified for Food Stamp Program participation in one county or state and which move to another county or this state and apply for benefits without at least a one-month break in certification, shall be treated as initial applications, except they shall continue to be retrospectively budgeted, as specified in Section 63-504.711. Households which have requested and are entitled to expedited service shall have their benefits available in accordance with Section 63-301.531(b).

.711 (Continued)

.712 (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2, 7 CFR 272.3(c)(1)(ii); 7 CFR 273.1(b)(2)(iii), 7 CFR 273.10(c)(2)(iii); 7 CFR 273.11(a)(2)(i), 7 CFR ~~273.11~~(c), (c)(1), (c)(2)(iii), (c)(3)(ii), ~~and~~ (d)(1), 7 CFR ~~273.11~~ and (e)(1); 7 CFR 273.21(f)(2)(ii), (iii), (iv), and (v), (g)(3), (j)(1)(vii)(B), and (s); (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal. Feb. 1, 1990) ___ F. Supp. ___ [Dock No. CV-89-0768]); Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, United States Department of Agriculture, Food and Nutrition Service; Administrative Notice No. 92-23, dated February 20, 1992; and P.L. 101-624.

Amend Sections 63-504.341, .353, and .391(a), renumber current Section 63-504.5 to Section 63-503.7 and adopt new Section 63-504.5 to read:

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY (Continued)

63-504

.3 Monthly Reporting (Continued)

.34 CWD Action on a Complete CA 7 Requiring Additional Verification/Information (Continued)

.341 The household shall provide with the CA 7 verification of the following items: (Continued)

(c) Housing costs when first allowed as a deduction and when there is a move ~~or change in amount or when there is questionable information which is inaccurate/ incomplete/ outdated or inconsistent;~~

(d) (Continued)

(e) Actual utility costs, if the household is claiming the actual expenses, ~~when there is a change since the last report or when there is questionable information which is inaccurate/ incomplete/ outdated or inconsistent~~ first allowed as a deduction, if a change in amount is reported and when there is a move; (Continued)

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY (Continued)

63-504

.3 Monthly Reporting (Continued)

.35 Action on Reported Information (Continued)

.353 (Continued)

(a) The CWD shall prospectively budget the new member's income and specific deduction in combination with the existing household's retrospectively budgeted income and deductions to determine the household's benefit level for the first two months the new member is added to the household. The entire household shall be retrospectively budgeted in the third and subsequent months. If the new member had been providing income to the household on an ongoing basis prior to becoming a member of the household and that new member's income had been budgeted retrospectively, the CWD shall exclude the previously provided income in determining the household's issuance month benefits and eligibility.

1. The CWD shall add a previously excluded member's income (an individual who was disqualified for an IPV or failure to comply with workfare or work requirements, was ineligible because of failure to comply with the social security number requirement, or was previously an ineligible alien), retrospectively. The previously excluded member shall be added to the household the month after the disqualification period ends. All other previously excluded members such as SSI/SSP individuals or ineligible students, shall have his/her income added prospectively in accordance with the procedures in paragraph (a) of this section. (Continued)

.3 Monthly Reporting (Continued)

.39 Mass Changes (Continued)

.391 Federal Adjustments to Eligibility Standards. Allotments, Deductions, and State Adjustments to the Standard Utility Allowance

- (a) These adjustments shall go into effect for all households at a specific point in time. Adjustments to the thrifty food plan, the standard deduction, shelter and dependent care deductions, and the maximum income eligibility standards shall be implemented prospectively regardless of the household's budgeting method. Adjustments shall be effective for all issuances upon the effective dates, as specified in Handbook Section 63-1101. (Continued)

63-504 HOUSEHOLD CERTIFICATION AND CONTINUING ELIGIBILITY (Continued)

63-504

.5 Procedures for households changing their reporting and budgeting status

.51 Households which become subject to monthly reporting/retrospective budgeting

The CWD shall change the reporting/budgeting status of households which become subject to monthly reporting at any time following the change in household circumstances which results in a change in the household's monthly reporting/retrospective budgeting status subject to the following conditions:

.511 The CWD shall provide the household with information as specified in Section 63-300.41. If the CWD implements the change during the certification period, it may omit the oral explanations for monthly reporting/retrospective budgeting.

.512 The CWD shall not require the household to submit a CA 7 during any month in which the household was subject to non monthly reporting requirements.

.52 Households which are no longer subject to monthly reporting/retrospective budgeting

The CWD shall use one of the following procedures to remove households from the monthly reporting/retrospective budgeting system.

.521 For any household which becomes exempt from the monthly reporting/retrospective budgeting system as specified in Section 63-505.21, the CWD shall notify the household within 10 days of the date the CWD becomes aware of the change that the household has become exempt from monthly reporting and is no longer required to file any future CA 7s and has also become exempt from retrospective budgeting and when the change in budgeting will go into effect.

.522 The CWD shall begin determining the household's benefits prospectively in the first month that the household is no longer required to file a CA 7. (Continued)

Authority Cited: Sections 10554, 11265.1, and 18904, Welfare and Institutions Code.

Reference: 7 CFR 271.2/; 7 CFR 273.8(b)/; 7 CFR 273.21(e)(1), (f)(1)(iii), (f)(1)(iv)(B), (h)(3), (h)(3)(ii), 7 ~~CFR~~ 273/21(j), 7 ~~CFR~~ 273/21(j)(1)(vi), and (r); ~~and~~ 7 CFR 274.10; and P.L. 101-624.

Amend Sections 63-505.31, .32 and .4 to read:

63-505 HOUSEHOLD RESPONSIBILITIES (Continued)

63-505

.3 Reported Information for Monthly Reporting Households

Households shall report on a monthly basis, the following information about the household.

- .31 Budget month income, except as specified in Section 63-505.311, shelter and utility costs when there is a move, child care costs ~~deductions~~, household composition, and other circumstances relevant to the amount of the food stamp allotment. This information shall be reported on the CA 7.

.311 (Continued)

- .32 Any changes in income, shelter and utility costs when there is a move, child care costs ~~deductions~~, resources or other relevant circumstances affecting eligibility which the household expects to occur in the current month or in future months, or which occurred in the budget month. (Continued)

.4 Verification Responsibilities for Monthly Reporting Households (Continued)

Monthly reporting households shall provide verification of the following information reported on the CA 7: (Continued)

- (e) Utility costs, if the household is claiming actual expenses, when there is a change since the last report or when there is questionable information which is inaccurate, incomplete, outdated or inconsistent first allowed as a deduction and when the household moves;
- (f) Shelter costs when first allowed as a deduction or when the household moves or when there is a change in the amount or when there is questionable information which is inaccurate, incomplete, outdated or inconsistent; (Continued)

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.11(a)(2)(iii)/; 7 CFR 273.12/; 7 CFR 273.2(d)/; and 7 CFR 273.21(b), (h)(3), and (i); and P.L. 101-624.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

the Honorable Secretary of
of the State of California
the Honorable Secretary of
of the State of California

JUL 31 1992

At 427 16'clock 1992 M.

WANCH FONG EU, Secretary of State

At o'clock M.

WANCH FONG EU, Secretary of State

At o'clock M.

WANCH FONG EU, Secretary of State

At o'clock M.

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WANCH FONG EU, Secretary of State

At o'clock M.

WANCH FONG EU, Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0722-03

Marz Garcia

MARZ GARCIA
Director

07/31/92

NOTICE PUBLICATION REGULATIONS SUBMISSION

STD. 400 (REV. 2/91)

AGENCY

(See instructions on reverse)

For use by Secretary of State only

State Department of Social Services

AGENCY FILE NUMBER (if any)

RDB# 0692-20

| | | | | |
|------------------|--------------------|--------------------------|---------------------------------|-----------------------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER 92-0724-06E | PREVIOUS REGULATORY ACTION NUMBER |
|------------------|--------------------|--------------------------|---------------------------------|-----------------------------------|

For use by Office of Administrative Law (OAL) only

1992 JUL 24 PM 4:16

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

JUL 31 1992

Office of Administrative Law
REGULATIONS

NOTICE

FILED
in the office of the Secretary of State
of the State of California

JUL 31 1992

At 4:17 o'clock P.M.

MARCH FONG EU, Secretary of State

Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|--------------------------|------------------------|-------------------------------|
| 1. TOPIC OF NOTICE FSET Program Conciliation, Ed, & Participant Reimburse. Req. | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|--|
| TITLE(S) | ADOPT MPP 63-009, 63-407.58, and 63-502.2(n) |
| SECTIONS AFFECTED | AMEND 63-407.31, .56, .81, .83, .841 and .862; and 63-502.2(g)(1) |
| | REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☒ Effective other (Specify) 8/1/92

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assist Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

JUL 23 1992

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READoption

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 63-009 to read:

63-009 IMPLEMENTATION OF FOOD STAMP EMPLOYMENT AND TRAINING
PROGRAM NONDISCRETIONARY PROVISIONS FROM THE HUNGER
PREVENTION ACT OF 1988

63-009

.1 Effective August 1, 1992, CWDs shall implement the following revised and
adopted provisions: Section 63-407.311 (a); Section 63-407.56; Section 63-
407.58; Section 63-407.812; Sections 63-407.813, .814 and .815; Section 63-
407.83; Section 63-407.841 (c); Section 63-407.862; and Sections 63-502.2 (g)
(1), (g) (2) and (n).

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Sections 10554 and 18904, Welfare and Institutions Code.

Adopt Section 63-407.58 and amend Sections 63-407.311, .56, .81, .83, .841 and .862 to read:

63-407 WORK REGISTRATION REQUIREMENTS (Continued)

63-407

.3 CWD Requirements

.31 (Continued)

.311 (Continued)

- (a) The applicant shall be informed that he/she may be deferred from FSET Program participation if monthly expenses identified in Section 63-407.83 exceed the allowable reimbursable amounts identified in that section.
(Continued)

.4 Work Registrants Requirements (Continued)

.5 Failure to Comply (Continued)

- .56 Within 10 days of determining that ~~the~~ noncompliance with any of the general Food Stamp work requirements at Sections 63-407.42, .43, and .44 was without good cause in accordance with Section 63-407.57, the CWD shall provide the individual or household with a Notice of Disqualification, ([DFA 377.10] (7/89)). Such notification shall contain a description of the act of noncompliance, the proposed period of disqualification and shall specify that the individual or household may reapply at the end of the disqualification period. Information shall also be included describing the action which can be taken to end or avoid the sanction, and procedures contained in Section 63-407.6. This disqualification period shall begin with the first month following the expiration of the adverse notice period, unless a state hearing is requested. If a state hearing is requested, continued participation shall be in accordance with Section 63-804.6. (Continued)

.58 Conciliation

The CWD shall determine if there is good cause and attempt to resolve the problems when a work registrant fails to comply with the FSET Program requirements specified in Section 63-407.41. The conciliation period shall begin on the day following the CWD's discovery of the noncompliance and shall not exceed 30 calendar days.

- .581 The CWD shall inform the registrant in writing of his/her opportunity to both demonstrate good cause for the noncompliance and to avoid Food Stamp sanctions by performing a verifiable act of compliance. The CWD shall issue the notice within four working days of the beginning of conciliation. The notice shall:

- (a) Identify the program requirement with which the registrant failed to comply.

- (b) Specify that the registrant has entered a period of conciliation that shall not exceed 30 calendar days.
- (c) State that the registrant shall contact the CWD either in person, by mail or by telephone to provide any information which demonstrates good cause for the noncompliance.
 - (1) The registrant shall be told of the need to provide this information within six working days following issuance of the notice required by Section 63-407.581.
- (d) Inform the registrant that failure to contact the CWD shall result in a cause determination based on available information.
- (e) Specify that if a determination of no good cause is made, the registrant can avoid Food Stamp sanctions by complying with program requirements.
- (f) Describe those costs identified in Section 63-407.83 for which the registrant may be reimbursed if such costs are necessary to enable the registrant to provide good cause information.
- (g) Identify the consequences of failing to comply by the end of conciliation.

.582 The CWD shall determine whether good cause existed for the noncompliance either on the sixth working day following issuance of the notice required by Section 63-407.581 or upon contact by the registrant, whichever occurs first. Good cause shall be determined as specified in Section 63-407.57.

- (a) If the registrant fails to contact the CWD, a cause determination shall be made based on available information.
- (b) Nothing in Section 63-407.582 shall prevent the registrant from submitting good cause information at any time within the period of conciliation.
 - (1) Such information shall be considered by the CWD and may result in the reversal of a no good cause determination.

.583 If the CWD determines that good cause existed for the noncompliance, the CWD shall:

- (a) Determine if the problem resulting in the noncompliance has been resolved so that the registrant can immediately resume participation.
- (b) Determine if the registrant should be exempted or deferred as specified in Sections 63-407.21 and .811.

.584 If the CWD determines that no good cause existed for the noncompliance, the CWD shall issue a notice informing the registrant of the no good cause determination and of the opportunity to avoid Food Stamp sanctions by complying with program requirements. The notice shall be issued within three (3) working days of the cause determination and shall:

- (a) Specify that the individual has been determined to be without good cause for failure to comply with program requirements.
- (b) Identify the program requirement with which the individual has failed to comply.
- (c) Remind the individual that conciliation shall not exceed 30 calendar days from the date the CWD discovered the noncompliance as specified in Section 63-407.58.
- (d) Describe the specific actions the registrant must take to achieve compliance and avoid sanctions.
- (e) Identify the date by which compliance must be achieved if sanctions are to be avoided.
 - (1) As specified in Section 63-407.585, this date is the final day of the 30-calendar-day conciliation period.
- (f) Describe those costs identified in Section 63-407.83 for which the registrant may be reimbursed if such costs are necessary to enable the registrant to achieve compliance during the period of conciliation.
- (g) Identify the consequences of failing to comply by the end of conciliation.

.585 Following a determination of no good cause as specified in Section 63-407.584, the registrant must perform a verifiable act of compliance if Food Stamp sanctions are to be avoided. Verbal commitment is not sufficient unless the registrant is prevented from complying by circumstances beyond his/her control such as the unavailability of a suitable component.

- (a) The registrant must comply by the end of the 30-calendar-day conciliation period identified in Section 63-407.58 if conciliation is to be considered successful.

.586 If the registrant fails to comply by the end of conciliation, the CWD shall provide the individual or household with a Notice of Disqualification, [DFA 377.10 (7/89)]. (See Section 63-407.56 for a description of this notice.)

- (a) The notice shall be issued on the final day of conciliation.

- .6 Ending Disqualification (Continued)
- .7 Suitable Employment (Continued)
- .8 Food Stamp Employment and Training Program (Continued)
- .81 CWD Screening (Continued)

.812 The CWD shall attempt to place persons deferred due to excessive dependent care or transportation costs into a component in which such costs do not exceed the amount eligible for reimbursement as specified in Section 63-407.83.

(a) If a suitable component is not available, individuals shall be deferred until an affordable component becomes available or individual circumstances change so that monthly expenses do not exceed maximum reimbursable rates.

.81~~2~~3 (Continued)

.81~~3~~4 (Continued)

.81~~4~~5 (Continued)

.82 Referral to FSET Program (Continued)

.83 Participant Reimbursement

As of July 1, 1989 and thereafter, the CWD shall reimburse participants, including volunteers and applicants, for costs that are reasonably necessary and directly related to participation as ~~follows~~ specified in Sections 63-402.831, .832 and .833. The CWD shall inform each participant that allowable expenses up to the amounts identified in this section shall be reimbursed upon presentation of appropriate documentation.

.831 For transportation and other costs (except for dependent care costs), the CWD shall provide reimbursement of up to \$25.00 per participant per month.

(a) Such expenses shall not include the cost of meals away from home.

.832 For dependent care costs, the CWD shall reimburse the actual cost in an amount not to exceed \$160 per month per dependent.

(a) (Continued)

(b) Reimbursement, payment, or arrangement for dependent care shall not be made to an individual who is the caretaker relative of a dependent in a family receiving Aid to Families with Dependent Children. In addition, an FSET Program participant is not entitled to reimbursement for dependent care costs if a member of the participant's Food Stamp household provides the care.

- (c) Reimbursements shall be provided for the following dependents:
- (1) Children who have reached age six but who are under thirteen years of age; and
 - (2) Persons who have reached age thirteen but are physically/mentally incapacitated or under court supervision.
- (A) The CWD shall require verification when physical/mental incapacity or the need for court supervision is questionable.
- (d) The CWD shall verify the need for and cost of dependent care prior to reimbursing a participant for dependent care costs.
- (1) Such verification shall include the name and address of the care provider, provider costs and the number of hours for which care is needed.
- (e) A participant may refuse dependent care arranged by the CWD if he/she can arrange other care or show that the refusal will not interfere with participation.
- (f) Dependent care arranged by the CWD shall meet all applicable standards of State and local law including requirements for basic health and safety protection.
(Continued)

.84 Program Requirements (Continued)

.841 Program Components

In accordance with a federally approved state plan, CWDs shall provide any one or more of the following components. The following components shall be allowed to be provided for applicants or recipients: (Continued)

(c) Education/Training

- (1) Vocational training which consists of a project, program or experiment, such as supported work program, or a Job Training Partnership Act program (JTPA) or state or local program aimed at accomplishing the purpose of the FSET Program.

(2) Education programs designed to improve a participant's basic skills or employability. Education activities include, but are not limited to, high school or equivalency programs, remedial education programs designed to achieve a basic literacy level, and instruction in English-as-a-Second-Language.

(A) Educational components shall be approved only if they directly enhance the employability of FSET Program participants. A direct link between educational components and job readiness shall be established. (Continued)

.85 Participation Requirements (Continued)

.86 Failure to Comply

.861 (Continued)

.862 Individuals who or households ~~who~~ which are disqualified for failure to comply with the requirements of the FSET Program shall be notified ~~in accordance with the provisions of~~ as specified in Sections 63-407.56 and .586.

Authority Cited: Sections 10553, 10554 and 18904, Welfare and Institutions Code.

Reference: 7 CFR 273.1(d)(2) ~~and~~; 7 CFR 273.7(d)(1)(ii)(A) and (E); 7 CFR 273.7(f), (f)(1)(vi), (f)(2), and (f)(4)(ii); and 7 CFR 273.7(g)(1)(ii) and (iii).

Adopt Section 63-502.2(n); amend Sections 63-502.2(g)(1) and (2); and renumber Sections 63-502.2(g)(1)(G) and (H) to (I) and (J), respectively.

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

63-502

.2 Income Exclusions. Only the following items shall be excluded from household income:

(a)-(f) (Continued)

(g) (Continued)

(1) Excludable reimbursements which are not considered to be a gain or benefit to the household, include, but are not limited to the following:

(A) Reimbursements or flat allowances, including reimbursements made to the household as specified in Section 63-407.83, for job- or training-related expenses such as travel, per diem, uniforms/ and transportation to and from the job or training site. Reimbursements which are provided over and above the basic wages for these expenses are excluded; however, these expenses, if not reimbursed, are not otherwise deductible. Reimbursements for the travel expenses incurred by migrant workers are also excluded.
(Continued)

(B)-(F) (Continued)

(G) Reimbursements made to the household, as specified in Section 63-407.83, for expenses necessary for participation in an education component under the FSET Program.

(H) Payments or reimbursements made under an employment, education or training program initiated under Title IV-A of the Social Security Act after September 19, 1988, such as payments for GAIN supportive services.

(~~G~~I) (Continued)

(~~H~~J) (Continued)

(2) The following shall not be considered a reimbursement excludable under this provision:

(A) Portions of benefits provided under Title IV-A of the Social Security Act for work-related or child care expenses when adjustments have been made to the PA payments, except for such expenses made under an employment, education or training program initiated under Title IV-A after September 19, 1988. (Continued)

(h)-(m) (Continued)

OFFICE OF ADMINISTRATIVE LAW

FILED
in the office of the Secretary of State
of the State of California

CERTIFICATION

OF

APPROVAL

JUL 31 1992

At 4²⁷ o'clock P.M.
MARSH LING EU, Secretary of State
John J. J. J.
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0724-06

Marz Garcia

MARZ GARCIA
Director

07/31/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (If any)

0192-04

| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER | PREVIOUS REGULATORY ACTION NUMBER |
|------------------|--------------------|--------------------------|------------------|-----------------------------------|
| | Z-92-0323-01 | 92-0638-0602 | 92-0316-02E | |

For use by Office of Administrative Law (OAL) only

1992 JUN 30 PM 3:43

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

AUG 11 1992

Office of Administrative Law
REGULATIONS

NOTICE

For use by Secretary of State only

FILED
In the office of the Secretary of State
of the State of California

AUG 11 1992

At 2:59 o'clock P.M.
MARCH FONG EU, Secretary of State
By *[Signature]*
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|--------------------------|-------------------------------------|-------------------------------|
| 1. TOPIC OF NOTICE Standard Telephone Allowance | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER 92, #14-2 | PUBLICATION DATE 4-3-92 |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | | |
|-------------------|--------|--|
| TITLE(S) | ADOPT | 63-010 |
| SECTIONS AFFECTED | AMEND | 63-502.352(b) <i>see agency memo 8-11-92</i> |
| | REPEAL | |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☒ Effective on filing with Secretary of State
 ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

James W. Rhoads, Assistant Bureau Chief, Regulations Development Bureau (916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

[Signature]

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

6/25/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

**RESUBMITTAL OF DISAPPROVED OR WITHDRAWN
REGULATIONS**

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for reoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

- .1 Section 63-502.352(b), as amended herein, shall become effective April 1, 1992.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 272.1.

.3 Income Deductions (Continued)

.35 Excess Shelter Deductions (Continued)

.353 Standard Utility Allowance (SUA)

(a) (Continued)

- (b) A standard telephone allowance of \$20 shall be used only in instances where the household has a telephone and is not entitled to the SUA. If the household's actual telephone service fee is greater than the standard allowance, and it represents the lowest available rate to the household, the household may request to have the actual service fee used. The household must be able to verify the actual cost claimed. Failure to have a telephone will not preclude use of the full SUA.

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code; Public Law 101-201; P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 100-77; 7 CFR 271.2; 7 CFR 273.7(f); 7 CFR 273.9; 7 CFR 273.9(b)(1) and (c), 7 CFR 273.9(c)(1)(iv)(B) and (c)(3); 7 CFR 273.9(c)(5); 7 CFR 273.9(c)(5)(i)(A); 7 CFR 273.9(c)(5)(i)(C); 7 CFR 273.9(c)(10); 7 CFR 273.9(d)(3)(vii); 7 CFR 273.9(c)(5)(i)(F); 7 CFR 273.9(d)(1) through (6); 7 CFR 273.11(d)(1), (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) _____ F. Supp. _____ [Dock. No. CV-89-0768]); P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); U.S.D.A. Food and Nutrition Service Administrative Notice 91-30; and Waiver Letter WFS-100:FS-10-6-CA, dated October 2, 1990, United States Department of Agriculture, Food and Nutrition Service.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the office of the Secretary of State
of the State of California

AUG 11 1992

At 254 o'clock P.M.
MARCH FONG EU, Secretary of State
By *[Signature]*
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0630-06

[Signature]

MART GARCIA
Director

08/11/92

NOTICE PUBLIC ACTION/REGULATIONS SUBMISSION

APPROVED

STD. 400 (REV. 2-91)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (If any)

RDB# 0991-45

OAL FILE
NUMBERSNOTICE FILE NUMBER
Z-91-1118-05

REGULATORY ACTION NUMBER

92-0716-03S

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1992 JUL 18 AM 8:12

OFFICE OF
ADMINISTRATIVE LAW

APPROVED

NOTICE

REGULATIONS

FILED

In the office of the Secretary of State
of the State of California

AUG 27 1992

At 4:02 O'clock P.M.

MARCH FONG EU, Secretary of State

By John D. Healy
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|---|--|-------------------------------------|------------------------|-------------------------------|
| 1. TOPIC OF NOTICE Children with Special Needs | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER 91, #48-2 | | PUBLICATION DATE 11-29-91 |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|-------------------|---|
| TITLE(S) 22 | ADOPT 87010.1;87010.2;87064.1;87065.1;87066;87068.4;87070.1; and 87075.1 |
| SECTIONS AFFECTED | AMEND 87001;87019;87045;87061;87065; and 87078 |
| | REPEAL |

2. TYPE OF FILING

☒ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

April 1, 1992 through April 17, 1992

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☒ Effective 30th day after filing with Secretary of State ☐ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy
TYPED NAME AND TITLE OF SIGNATORY
John D. Healy, Interim Director

DATE

7/5/92

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS:

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 87001 to read:

87001 DEFINITIONS (Continued)

87001

c. (Continued)

(6) "Child With Special Health Care Needs" means a child who has been adjudged a dependent of the court pursuant to Section 300, a child who has not been adjudged a dependent of the court pursuant to Section 300 but who is in the custody of the county welfare department, or a child with a developmental disability who is receiving services and case management from a regional center who has a medical condition which requires specialized in-home health care which may be provided by nonmedical personnel, such as a foster parent trained to provide this care.

(67) (Continued)

(78) (Continued)

f. (1) "Foster Family Home" means any home in which 24-hour ~~nonmedical~~ care and supervision are provided in a family setting in the licensee's family residence for not more than six foster children, exclusive of members of the licensee's family. (Continued)

h. (1) "Health Care Professional" means a physician or an individual who has authority in the State of California to perform the necessary medical procedures prescribed by a physician. This includes but is not limited to the following: Registered Nurse, Licensed Vocational Nurse, Physical Therapist, Occupational Therapist and Respiratory Therapist.

(12) (Continued)

i. (1) "Individualized Health Care Plan" means the written plan developed for the provision of health care to the child with special health care needs as specified in Section 87075.1(a).

(2) "Individualized Health Care Plan Team" means those individuals who developed an individualized health care plan for a child with special health care needs in foster care, which shall include the child's primary care physician, any involved medical team, the county social worker or regional center worker, and in addition may include but not be limited to a public health nurse, representatives from the California Children's Services Program or the Child Health and Disability Prevention Program, regional centers, the county medical health department, the prospective specialized foster family and where reunification is the goal, the parent or parents if available.

(13) (Continued)

m. (1) "Medical Conditions Requiring Special In-Home Health Care" means a dependency upon one or more of the following: internal feeding tube, total parenteral feeding, a cardiorespiratory monitor, intravenous therapy, a ventilator, urinary catheterization, ministrations imposed by tracheostomy, colostomy, ileostomy, or other medical or surgical procedures or special medication regimens, including injection, aerosol treatment, and intravenous or oral medication. (Continued)

s. (Continued)

(3) "Specialized In-Home Health Care" means, but is not limited to, those services identified by the child's primary physician as appropriately administered by a foster parent trained by health care professionals pursuant to the discharge plan of the facility releasing the child being placed in, or currently, in foster care.

(34) (Continued)

Authority Cited: ~~Section 17738, Welfare and Institutions Code and~~ Sections 1530 and 1530.5, Health and Safety Code.

Reference: Sections 17710 and 17731, Welfare and Institutions Code and Sections 1501, 1502, 1503.5, 1505, 1507, 1507.5, 1520, 1522, 1524, 1525.1, 1526, 1526.5, 1527, 1530, 1530.5, 1531, 1531.5, 1533, 1534, 1536.1, 1537, 1550, 1551 and 11834.11, Health and Safety Code.

Adopt Section 87010.1 to read:

87010.1 LIMITATIONS ON CAPACITY AND AMBULATORY STATUS FOR FOSTER
FAMILY HOMES CARING FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

87010.1

- (a) The licensee may care for children with special health care needs and children who do not have special health care needs provided that the total number of foster children in the home does not exceed two (2) children at a time, except that a third child may be accepted if the following conditions are met:
- (1) The licensee shall obtain written verification from the county social worker or regional center caseworker responsible for the placement of the child, that there are no other foster family homes available to meet the needs of the foster child.
 - (2) The licensee shall obtain written verification from each child's county social worker or regional center caseworker that the foster family home can meet the psychological and social needs of all the children in placement.
 - (3) The licensee shall obtain written verification that the individualized health care plan team for each child with special health care needs has waived the two-child capacity limitation. Verification may be provided in a variety of ways, including a written statement from one member or designee, that the team has been notified and approves of the waiver.

Authority Cited: Section 1530, Health and Safety Code.

Reference: Section 17732, Welfare and Institutions Code.

Adopt Section 87010.2 to read:

87010.2 PROHIBITION OF DUAL LICENSURE FOR FOSTER FAMILY HOMES
CARING FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

87010.2

- (a) An applicant/licensee shall not hold any day care, residential or health care facility license for the same premises as the foster family home while caring for children with special health care needs.
- (b) Any foster family home licensee planning to care for a child with special health care needs who holds any license as specified in (a) above shall surrender the license prior to accepting a child with special health care needs.

Authority Cited: ~~Section 17738, Welfare and Institutions Code~~ and Section 1530, Health and Safety Code.

Reference: Section 17732, Welfare and Institutions Code and Section 1531, Health and Safety Code.

Amend Section 87019 to read:

87019 CRIMINAL RECORD CLEARANCE (Continued)

87019

- (e) Pending receipt of a criminal record transcript and prior to employment or at initial presence in the facility, all employees and volunteers determined by the licensing agency to require criminal record clearance shall sign a statement under penalty of perjury on a form ~~(Criminal Record Statement, LIC 508 [10/89])~~ provided by the Department ~~which~~ ^{set} contains either of the following:
- (1) A declaration that he/she has not been convicted or arrested for a crime, other than a minor traffic violation as specified in Section 87019(f).
 - (2) Information regarding any prior convictions or arrests of a crime, with the exception of any minor traffic violations as specified in Section 87019(f).
- (A) If a person has been convicted of a crime other than a minor traffic violation as specified in Section 87019(f), he/she shall also acknowledge that his/her continued employment is subject to approval of the licensing agency.

(f) (Continued)

- (g) After a review of the criminal record transcript, the licensing agency or the department shall have the authority to grant an exception from (f) above if such person requests an exemption in writing and presents evidence satisfactory to the department or licensing agency that he/she has been rehabilitated and presently is of such good character as to justify the issuance of the license or authorization to be in the home. (Continued)

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Sections 1522 and 1531, Health and Safety Code.

Amend Section 87045 to read:

87045 EVALUATION VISITS (Continued)

87045

- (c) In-home medical services provided to ~~ventilator-dependent~~ children with special health care needs shall not be evaluated by the ~~Department~~ licensing agency, as specified in Health and Safety Welfare and Institutions Code Section 150713 17730.

HANDBOOK BEGINS HERE

(1) Health and Safety Code Section 150713 provides in part:

For only children described in this section, these medical services shall not be considered as a substantial component of the services provided by the licensee for the purposes of Section 15071. In order to be placed in a foster home, a ventilator-dependent child shall be receiving medical supervision and case management under the California Children's Services program (Article 2, commencing with Section 248, of Chapter 2 of Part 1 of Division 1) and the in-home medical care shall be provided by a licensed home health care services agency.

The State Department of Social Services and its agents shall not evaluate or have any responsibility or liability for the evaluation of medical services described in this section.

HANDBOOK ENDS HERE

Authority Cited: ~~Section 17738, Welfare and Institutions Code and~~ Sections 1530 and 1530.5, Health and Safety Code.

Reference: Section 17730, Welfare and Institutions Code and Sections 1501, 1507.5, 1530.5, 1531, 1533, 1534 and 1538, Health and Safety Code.

Amend Section 87061(g)(1)(D) to read:

87061 REPORTING REQUIREMENTS (Continued)

87061

(g) (Continued)

(1) (Continued)

(D) Name, address, telephone number of substitute as specified in
Section 87064(a)(2) and Section 87064.1(a)(2). (Continued)

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Section 17731, Welfare and Institutions Code and Sections 1501
and 1531, Health and Safety Code.

Adopt Section 87064.1 to read:

87064.1 LICENSEE DUTIES AND RESPONSIBILITIES FOR FOSTER FAMILY
HOMES CARING FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

87064.1

- (a) In addition to Section 87064 the licensee shall comply with the following requirements:
- (1) Prior to the placement of a child with special health care needs, the licensee shall complete specialized in-home health care training necessary to meet the needs of the child. Such training shall be provided by a physician or other health care professional.
 - (A) The licensee shall obtain additional specialized in-home health care training by a physician or other health care professional as necessary to meet the changing needs of the child.
 - (2) When the licensee is absent, the health care needs of a child shall be met by a health care professional or a responsible adult who has completed the specialized in-home health care training necessary to meet the child's needs. Such training shall be provided by a physician or other health care professional.
 - (3) The licensee shall maintain written verification, by the physician or other health care professional providing the training, that the specialized in-home health care training has been successfully completed by the licensee and any other responsible adult who will care for the child during the absence of the licensee.

Authority Cited: ~~Section 17738, Welfare and Institutions Code~~ and Section 1530, Health and Safety Code.

Reference: Section 17731, Welfare and Institutions Code.

Amend Section 87065 to read:

87065 PERSONNEL REQUIREMENTS (Continued)

87065

- (d) The licensee shall be in good health, and shall be physically, mentally, and occupationally capable of complying with these regulations.
 - (1) Good health shall be verified by a health screening, including a ~~TP~~ test/ for tuberculosis not more than one year old, and performed by or under the supervision of a physician.
 - (2) The report, signed by the person performing the health screening, shall indicate the following:
 - (A) The presence of any health condition that would create a hazard to the licensee or children.
- (e) All other adults regularly in the home shall have a ~~TP~~ test for tuberculosis performed not more than one year prior to or seven days after initial presence in the facility.
- (f) Physician reports from general practitioners or specialists may be required after licensure if the licensing agency has reason to believe that the licensee's physical and/or mental health is not adequate to carry out responsibilities specified in these regulations. (Continued)

Authority Cited: Sections 1530 and 1530.5, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Adopt Section 87065.1 to read:

87065.1 PERSONNEL REQUIREMENTS FOR FOSTER FAMILY HOMES CARING FOR
CHILDREN WITH SPECIAL HEALTH CARE NEEDS

87065.1

- (a) In addition to Section 87065 any person who is not a health care professional and is providing in-home health care to a child with special health care needs must complete the health care training necessary to meet the specified needs of the child. Such training shall be provided by a physician or other health care professional.
 - (1) An appropriately skilled health care professional shall not be required to obtain training specified in (a) above.
- (b) Any person providing care to children in a foster family home caring for children with special health care needs shall be in good health, and shall be physically, mentally, and occupationally capable of complying with these regulations.
 - (1) Good health shall be verified by a health screening, including a test for tuberculosis performed by or under the supervision of a physician not more than one year prior to or seven days after presence in the home.
 - (2) The report, signed by the person performing the health screening, shall indicate the following:
 - (A) The presence of any health condition that would create a hazard to the licensee or children.

Authority Cited: ~~Section 17738, Welfare and Institutions Code and Section 1530 Health and Safety Code.~~

Reference: Section 17731, Welfare and Institutions Code.

Adopt Section 87066 to read:

87066 PERSONNEL RECORDS FOR FOSTER FAMILY HOMES CARING FOR
CHILDREN WITH SPECIAL HEALTH CARE NEEDS

87066

- (a) All personnel including the licensee, employees, and volunteers, shall have on file either the record of the health screening specified in Section 87065(d)(2), or the volunteer statement and a test for tuberculosis specified in Section 87065(d)(3).
- (b) The licensee of a foster family home caring for children with special health care needs shall ensure that employee records contain the following information:
 - (1) Employee's full name.
 - (2) Driver's License number if the employee is to transport foster children.
 - (3) Date of employment
 - (4) A statement signed by the employee that he/she is at least 18 years of age.
 - (5) Home address and phone number.
 - (6) Documentation of completion of the specialized in-home health care training as specified in Section 87065.1
 - (7) Past related experience, including types of employment and former employers.
 - (8) Duties of the employee.
 - (9) Termination date if no longer employed by the facility.
- (c) All personnel records shall be maintained at the home and available to the licensing agency for review.
- (d) All personnel records shall be retained for at least three (3) years following termination of employment.

Authority Cited: ~~Section 17738, Welfare and Institutions Code and~~ Section 1530, Health and Safety Code.

Reference: Section 1531, Health and Safety Code.

Adopt Section 87068.4 to read:

87068.4 NEEDS AND SERVICES PLAN FOR FOSTER FAMILY HOMES CARING
FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

87068.4

- (a) The licensee of a foster family home with a mixed population of foster children with special health care needs and foster children who do not have special health care needs shall ensure that each child's needs and services plan contain the following information:
- (1) Written verification by the child's county social worker or regional center caseworker that the child is compatible with the other children in the home.
 - (2) Written verification by each child's county social worker or regional center caseworker that the needs of the child can be met by the facility.

Authority Cited: ~~Section 17738, Welfare and Institutions Code~~ and Section 1530, Health and Safety Code.

Reference: Section 17732, Welfare and Institutions Code.

Adopt Section 87070.1 to read:

87070.1 CHILDREN'S RECORDS FOR FOSTER FAMILY HOMES CARING FOR
CHILDREN WITH SPECIAL HEALTH CARE NEEDS

87070.1

- (a) In addition to Section 87070, the licensee shall ensure that records for each child with special health care needs contain the following:
- (1) Documentation that the child has been adjudicated a dependent of the court under Section 300 of the Welfare and Institutions Code or a child who has not been adjudged a dependent of the court pursuant to Section 300 but who is in the custody of the county welfare department, or a child with a developmental disability who is receiving services and case management from a regional center.
 - (2) A copy of the child's individualized health care plan.
 - (3) A copy of the written reassessment of the child's individualized health care plan which shall be completed no less than every six months.
- (b) If a third child is placed in a foster family home caring for children with special health care needs, the licensee shall ensure that records for each child contain written verification that the special conditions that allow a third child to be placed in the home have been met as specified in Sections 87010.1(a)(2) and (3).
- (1) In addition, the third child's records shall contain written verification that the special conditions that allow the third child's placement in the home have been met as specified in Section 87010.1(a).

Authority Cited: ~~Section 17738, Welfare and Institutions Code~~ and Section 1530, Health and Safety Code.

Reference: Sections 17710, 17731, and 17732, Welfare and Institutions Code and Section 1531, Health and Safety Code.

Adopt Section 87075.1 to read:

87075.1 HEALTH RELATED SERVICES FOR FOSTER FAMILY HOMES CARING FOR
CHILDREN WITH SPECIAL HEALTH CARE NEEDS

87075.1

- (a) The licensee shall not accept a child with special health care needs unless the licensee has obtained an individualized health care plan. The plan may be a hospital discharge plan, but shall include the following information:
- (1) The name, address, and phone number of the physician or other health care professional responsible for monitoring the child's ongoing health care.
 - (2) Written verification by the child's primary physician identifying the specialized in-home health care appropriately administered by a responsible adult trained by a health care professional.
 - (3) Arrangement for in-home health support services if required.
 - (4) Specific responsibilities of the licensee for the provision of in-home health care.
 - (5) Identification of any available and funded medical services that are to be provided to the child in the home which may include assistance from registered nurses, licensed vocational nurses, public health nurses, physical therapists, and respite care workers.
 - (6) Identification of additional medical, emotional, behavioral, and physical problems which will be addressed in the child's needs and services plan.

Authority Cited: ~~Section 17738, Welfare and Institutions Code~~ and Section 1530, Health and Safety Code.

Reference: Section 17731, Welfare and Institutions Code.

Amend Section 87078 to read:

87078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION

87078

- (a) The licensee shall provide those services identified in the child's needs and services plan and the individualized health care plan in the case of a child with special health care needs as necessary to meet the child's needs.
(Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 11465 and 17731, Welfare and Institutions Code and
 Sections 1521, 1530 and 1531, Health and Safety Code.

Amend Section 87078 to read:

87078 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION

87078

- (a) The licensee shall provide those services identified in the child's needs and services plan and the individualized health care plan in the case of a child with special health care needs as necessary to meet the child's needs.
(Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 11465 and 17731, Welfare and Institutions Code and Sections 1521, 1530 and 1531, Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

AUG 27 1992

At 4:12 O'clock P.M.

MARCH FONG EU, Secretary of State

By *Paula Lovendy*
Deputy Secretary of State

This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Office of Administrative Law in the City of Sacramento,
State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 92-0716-03 S

John D. Smith
JOHN D. SMITH
Deputy Director

08/27/92

NOTICE OF PUBLICATION OF REGULATIONS SUBMISSION

STD. 400 (REV. 2-89)

AGENCY

(See instructions on reverse)

For use by Secretary of State only

| | | | | |
|--|--------------------|--------------------------|------------------|-----------------------------------|
| STATE DEPARTMENT OF SOCIAL SERVICES | | | | |
| OAL FILE NUMBERS | NOTICE FILE NUMBER | REGULATORY ACTION NUMBER | EMERGENCY NUMBER | PREVIOUS REGULATORY ACTION NUMBER |
| | | 92-0723-01N | | |
| For use by Office of Administrative Law (OAL) only | | | | |
| <p>1992 JUL 23 AM 10:19</p> <p>OFFICE OF ADMINISTRATIVE LAW</p> <p>ENDORSED APPROVED FOR FILING</p> <p>AUG 28 1992</p> <p>Office of Administrative Law REGULATIONS</p> | | | | |
| NOTICE | | | | |

FILEDIn the office of the Secretary of State
of the State of California

AUG 28 1992

At 4:04 O'clock P. M.

MARCH FONG EU, Secretary of State

By *Andrea J. Waymire*
Deputy Secretary of State**A. PUBLICATION OF NOTICE** (Complete for publication in Notice Register)

| | | | | |
|---|--|--------------------------|------------------------|-------------------------------|
| 1. TOPIC OF NOTICE REFUGEE CASH ASSISTANCE JOB SEARCH | | TITLE(S) RDB#0392-12 | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action | | 4. AGENCY CONTACT PERSON | | TELEPHONE NUMBER |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

| | |
|--------------------------|--------------------------------|
| TITLE(S) | ADOPT |
| SECTIONS AFFECTED MPP | AMEND 69-201.3 and 69-208.1 |
| | REPEAL |

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify) _____

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) _____

| | |
|--|------------------------------|
| 6. CONTACT PERSON Jim Rhoads, Assistant Chief, Regulations Development Bureau | TELEPHONE NUMBER 657-2586 |
|--|------------------------------|

7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

| | |
|--|-----------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>John D. Nealy</i> | DATE 7/23/92 |
| TYPED NAME AND TITLE OF SIGNATORY JOHN D. HEALY, Interim Director | |

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

ENVIRONMENTAL

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 69-201.3 to read:

69-201 GENERAL STATEMENT (Continued)

69-201

- .3 County Welfare Departments (CWD) shall determine the eligibility of refugees in RRP for AFDC or Refugee Cash Assistance (RCA). Eligibility for SSI/SSP shall be determined by the Social Security Administration. The CWD shall administer these programs according to federal policy under the supervision of DSS for financial assistance and social services, and the State Department of Health Services (DHS) ~~under interagency agreement with DSS for medical assistance.~~

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.

Amend Section 69-208 to read:

69-208 REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED
EDUCATION/TRAINING REQUIREMENTS

69-208

.1 General Requirements (Continued)

- .15 The CWD shall refer all nonexempt (see Section 69-208.4 for exempt criteria) RCA applicants and recipients to the local DSS-funded or CWD-approved project(s) providing employment-directed education/training for refugees. Such training must meet local employers' requirements so as to be likely to lead to employment within the local labor market. CWD referrals shall be accomplished in accordance with instructions and directives issued by DSS. (Continued)
- .23 A job search program shall continue for at least eight consecutive weeks and shall meet the DSS minimum requirements for job search as described below:
- .231 Three employee contracts per week for counties which directly administer Refugee Employment Social Services (RESS) and Targeted Assistance Programs (TAP).

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: 45 CFR 400.75, .77, and .78, and 45 CFR 400.80(a)(1), (b) and (c).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

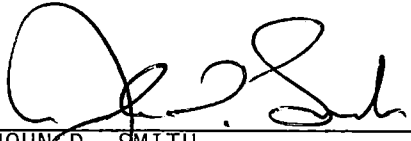
FILED
In the office of the Secretary of State
of the State of California

AUG 2 8 1992
At 4:04 O'clock P. M.
MARCH FONG EU, Secretary of State
By Andrea J. Waymire
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking
file identified below were reviewed and approved by the Director of the
Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No.: 92-0723-01N


JOHN D. SMITH
Deputy Director

08/28/92